

Item: 5e

| | | |
|------------------------|---|---------|
| 22/01245/MFA | Demolition of Existing Kennels and the Construction of Two Dwellings with New Access. Retention of Existing Staff Accommodation and its Use as a Market Dwelling (Amended Scheme) | |
| Site Address: | Hazel Corner Dog Hotel, Windmill Road, Markyate | |
| Applicant/Agent | Mr and Mrs Sandiford/DLA Town Planning | |
| Case Officer: | Robert Freeman | |
| Parish/Ward: | Markyate | Watling |
| Referral to Committee: | The application is referred to the Development Management Committee due to the contrary recommendation of the Parish Council. | |

1. RECOMMENDATION

- 1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

2. SUMMARY

- 2.1 Planning permission has historically been granted for the demolition of the kennels at the application site and the redevelopment of the site for residential purposes under 20/04064/MFA.
- 2.2 This scheme does not fundamentally alter the scale and appearance of development at the site. The impact on the open character and appearance of the Green Belt in this location is acceptable. The design of the proposed units remains appropriate in accordance with Policies CS11 and CS12 of the Core Strategy.
- 2.3 The change in access arrangements for Plot A would not be prejudicial to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy.

3. SITE DESCRIPTION

- 3.1 The application site comprises a large plot of land with commercial kennels off Windmill Road, Markyate. This rural road extends into the countryside between Markyate and Caddington/Luton to the east of the village of Markyate. The site and surrounding area is predominantly rural in character comprising open fields, grassland for exercising dogs and farmland. There are sporadic residential and commercial uses on Windmill Hill. A gun club is located approximately 500m to the north-west of the site.

4. PLANNING HISTORY

- 4.1 The site has an extensive planning history with a number of proposals having been granted for the redevelopment of the site, the removal of kennels and the construction of residential units.
- 4.2 Planning permission has already been granted under reference 20/04064/MFA for the demolition of the existing kennel buildings, the construction of two new dwellings and the

retention of the existing staff accommodation as an open market unit. This permission was granted on the 24th May 2021 and remains extant.

5. PROPOSALS

- 5.1 The current application is an amended planning application for the construction of two dwellings and the retention of an existing staff unit as open market accommodation.
- 5.2 The application is essentially the same as approved under 20/04064/MFA, however there would be a new access for Plot A. This property would now have its own drive which would link to an existing access to Windmill Road serving the staff accommodation and an existing property. The properties would be a handed version of the previous approved units.

6. REPRESENTATIONS

Consultation responses

- 6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 6.2 No comments have been received from neighbouring parties.

7. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 – New Housing
CS25 – Landscape Character
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions.

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 2020)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

8 CONSIDERATIONS

Policy and Principle

- 7.1 The principle of replacing the existing kennel buildings with three dwellings has been established by the extant planning permission under reference 20/04064/MFA. The proposed changes to the extant permission have no additional material impact on the open character and appearance of the Green Belt in this location and as such must be considered to be acceptable under Policy CS5 of the Core Strategy.

Layout and Design

- 7.2 The proposed dwellings have been handed but are otherwise as per the approved plans. They are still considered to be acceptable in terms of their design, bulk, scale, height and use of materials and are considered to be appropriate in appearance. The impact on the open character and appearance of the Green Belt would be identical to the extant permission. The proposals are therefore acceptable in accordance with Policies CS5, CS11 and CS12 of the Core Strategy.

Residential Amenity

- 7.3 The dwellings on the site would provide a reasonable level of internal and external space in accordance with Policy CS12 and Saved Appendix 3 of the Local Plan 1991-2011. Although the Environmental Health team have raised concerns that the development is close to a source of noise at Atkin, Grant and Lang gun club, given the permission has already been granted for an additional two dwellings and the use of other buildings at the site for residential purposes it is considered that a refusal on these grounds cannot be substantiated in this case.

Access and Parking

- 7.4 Plot A on this development would now be accessed via the existing access serving the kennels and the staff accommodation at the site. The removal of the kennels and the use of the access by three residential units will result in a substantial reduction in vehicular movements associated with the site and this would be beneficial to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy.
- 7.5 The access for Plot B would be a new access onto Windmill Road, however it already benefits from the extant permission and as such cannot be subject to an objection in this instance. It is demonstrated through this extant permission that, with a limited impact upon the vegetation at the front boundary of the site, a suitable visibility splay can be provided for the speed of traffic on Windmill Road. This would result in the removal of a single tree (T13) (classified as B.2) the loss of which would be mitigated through landscaping and additional planting within the plots of the dwellings. This access has been considered to be acceptable in accordance with Policies CS8 and CS12 of the Core Strategy.
- 7.6 The plans submitted demonstrate that the sites would be accessible by emergency vehicles with tracking diagrams illustrating that they can manoeuvre within the site.
- 7.7 Each of the new dwellings would be provided with sufficient off-street parking in accordance with the Car Parking Standards SPD (2020) Furthermore each dwelling would need to provide EV charging infrastructure in accordance with Approved Part S of the Building Regulations 2021 and the Car Parking Standards SPD (2020)

- 7.8 For the above reasons, the alterations to the access arrangements would not have a detrimental impact on matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

Other Material Planning Considerations

Contamination

- 7.9 The Council's scientific officer considers that due to the proximity of the site to former contaminated land uses and given the historic use of the site that it would be appropriate to require an assessment as to the potential contamination of the site and where necessary seek remediation. The submission of this information is required by condition to this permission and to address the planning requirements under Policies CS31 and CS32 of the Core Strategy.

Sustainability

- 7.10 Sustainable building design and construction is an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. All new development is expected to comply with the highest standards of sustainable design and construction in accordance with Policies CS29, CS31 and CS32 of the Core Strategy. The application is not accompanied by a Sustainability Statement and as such it would be necessary to seek additional information regarding the sustainability credentials of the proposed scheme by a planning condition.

Markyate Parish Council

- 7.11 The concerns of the Parish Council are addressed above with the exception of the removal of the tie on the staff accommodation. The accommodation would not be required following the removal of kennels at the site and it would be appropriate to reuse the building for a residential use in this instance and as established through the extant planning permission for this site.

Chiltern Beechwood Special Area of Conservation (SAC)

- 7.12 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Regulation 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CBSAC from harm, including increased recreational pressures.
- 7.13 The Council is unable to grant planning permission for the development without an appropriate assessment being undertaken in accordance with article 6(3) of the Habitats Directive and mitigation measures being provided to address the impact that the development might have upon the CBSAC.

Conditions

- 7.14 It is important to secure additional information regarding the appearance of the development to ensure that it is satisfactory. Further details of the materials to be used in the construction of the scheme and the submission of a detailed landscaping scheme are therefore necessary in accordance with Policies CS11 and CS12 of the Core Strategy.
- 7.15 Officers also consider it necessary to control the extent and scale of future extensions to residential units in this location in order to safeguard the open character and appearance of

the Green Belt in accordance with Policy CS5 of the Core Strategy. It is therefore recommended that permitted development rights for the extension of the property are removed via a planning condition.

8. RECOMMENDATION.

- 8.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (CBSAC) through financial contributions secured by legal agreement and to the conditions below:

Conditions:

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**473-198- A (Location Plan)
473-300-C (Proposed Block Plan)
473-301-A (Proposed Layout)
473-302-C (Plot A)
473-303-D (Plot B)
473-304-B (Street Scene)
3912 SK01 (Swept Paths)
3912 SK02 (Swept Paths)
P0659/13/G (Staff Accommodation)
201040-P-10 (Tree Survey)
201040-PD-10 (Tree Schedule)
1674 SK01 dated 06/05/2021 (Visibility Splay)
Planning Statement by DLA Town Planning dated April 2022 reference 22/192**

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3. No development of the superstructure shall commence until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

- 4. The dwellings, hereby approved shall not be occupied until details of hard and soft landscaping shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- all external hard surfaces within the site,**
- all means of enclosure to the site**

- soft landscaping works including a planting scheme with the number, size, species and position of trees, plants and shrubs and
- minor artefacts and structures.

All planting shall be completed within one planting season of the completing of development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy

- 6. All existing structures shown for demolition in plan ref: 473-300C shall be demolished, including their footings/foundations and associated hardstanding around the structures, and the materials removed from the site prior to the first occupation of the development hereby permitted. The area occupied by these buildings shall be laid as lawn prior to the occupation of the dwellings hereby approved.**

Reason: To safeguard and maintain the openness of the Green Belt in accordance with Policy CS5 of the Core Strategy (2013) and the National Planning Policy Framework

- 7. Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number 473-300-C in accordance with HCC Highways Design Guide. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.**

Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

- 8. Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number 1674 SK01 dated 06/05/2021. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

- 9. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases (excluding demolition) of the development. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:**

- construction vehicle numbers, type and routing;
- traffic management requirements;
- construction and storage compounds (including areas designated for car parking);
- siting and details of wheel washing facilities;
- cleaning of site entrances, site tracks and the adjacent public highway;
- timing of construction activities (to avoid school pick up/drop off times);
- provision of sufficient on-site parking prior to commencement of construction activities;
- post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- construction or demolition hours of operation; and
- dust and noise control measures.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework

- 10. No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

- (i) A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.**
- (ii) A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.**
- (iii) A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework

- 11. All remediation or protection measures identified in the Remediation Statement referred to in Condition 10 above shall be fully implemented within the timescales**

and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework

- 12 No construction of the superstructure shall take place until details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2021).

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:**

**Schedule 2 Part 1 Classes A, B, C and E
Schedule 2 Part 2 Class A**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework

INFORMATIVE

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Contamination

Guidance on how to assess and manage the risks from land contamination can be found here

<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
|--|--|
| Markyate Parish Council | <p>The Parish Council object to this application given the removal of staff accommodation and concerns over the access to the site. The proposals are considered to be over development of Green Belt land.</p> <p>ADDITIONAL COMMENT</p> <p>Further to your email dated 24 May 2022 requesting Markyate Parish Council to withdraw the objections made to the above planning application, this application was again presented to full council yesterday, 7 June 2022 to reconsider.</p> <p>My council fully agreed once again at that meeting to continue with their original objections and therefore the comments made previously, still stand.</p> |
| Hertfordshire County Council – Growth and Infrastructure | <p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.</p> |
| Contaminated Land Officer | <p>As a result of the residential nature of the development that is being proposed on a long established brownfield site, as well as its proximity to a former landfill site, it will be necessary for the following conditions to be included on any permission that is granted.</p> <p>Contaminated Land Conditions: Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved</p> |

by this permission shall be commenced until an intrusive site investigation report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Informative:

The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.

Guidance on how to assess and manage the risks from land contamination can be found here

| | |
|----------------------|---|
| | https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm |
| Environmental Health | <p>I am minded to object to the proposal on noise grounds.</p> <p>The site is located approx. 500m from the Atkin, Grant and Lang shooting ground. Without an assessment of noise arising from activities we cannot gauge if the creation of new housing will be an acceptable addition to the locality. As assessment of noise would also help determine site suitability by demonstrating if the adverse impacts of noise can be offset by a scheme of mitigation.</p> <p>I refer you to paragraph 180 and 182 of the NPPF in support of position. These recognise that new development should be appropriate for location taking into account the likely effects of pollution on health and quality of life, and also where there are existing businesses in the locality, that these existing facilities should not have unreasonable restrictions placed on them as result of development permitted after they were established.</p> |
| Affinity Water | We have no comments to make on this proposal. |
| Thames Water | <p>WASTE:</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://www.thameswater.co.uk/developers/larger-scale-</p> |

| | |
|--|---|
| | <p>developments/planning-your-development/working-near-our-pipes</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>WATER:</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p> |
|--|---|

APPENDIX B – NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|--------------------------------|---------------------|----------------|-------------------|----------------|
| 3 | 0 | 0 | 0 | 0 |