

ITEM NUMBER: 5c

22/01040/ROC	Variation of Condition 2 (Approved plans) attached to planning permission 20/01754/MFA (Construction of 28 residential units with associated access, parking and landscaping)	
Site Address:	Land off Tring Road, Wilstone	
Applicant/Agent:	Rectory Homes Ltd	
Case Officer:	Robert Freeman	
Parish/Ward:	Tring Rural Parish	Tring West & Rural
Referral to Committee:	The application has been referred to the Development Management Committee given their previous refusal of planning application 20/01754/MFA.	

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 The proposed development is considered to deliver significant social and economic benefits in the form of housing and affordable housing and would support the sustainable development of the village of Wilstone in accordance with the National Planning Policy Framework (NPPF). These benefits are considered to weigh in favour of the grant of planning permission in this case.
- 2.2 The development is considered to be a high quality and accessible residential scheme and would support the planning objectives under Policies CS8, CS11, CS12, CS17, CS19 and CS20 and CS29 of the Core Strategy and Saved Appendices 3 and 5 of the Local Plan 1991-2011.

3. SITE DESCRIPTION

- 3.1 The application site is located beyond the northern edge of the village of Wilstone and in the designated Rural Area. The site extends to 1.57 ha of largely level agricultural fields between the residential units at Grange Road, Wilstone and the development at Wilstone Wharf.
- 3.2 The site is accessible from an agricultural field gate located at the south western corner of the site and providing a gap in an existing mature hedgerow demarcating the boundary of the site from Tring Road.
- 3.3 Two storey residential units at Grange Road back onto the southern boundary of the application site and there are a number of single storey dwellings opposite the western site boundary marking the northern extent of the village. To the east of the application site are

further agricultural fields in arable use with allotments beyond. The site is physically constrained to the north by the Aylesbury Arm of the Grand Union Canal.

4. BACKGROUND

- 4.1 Members of the Development Management Committee considered planning application 20/01754/MFA at the meeting of the 17th December 2020. The committee determined that the application should be refused contrary to the officer recommendation for the following reason:

“The proposed development, by reason of its scale and siting, would result in a disproportionate extension to the village and result in significant harm to the character and appearance of the countryside contrary to Policies CS1, CS2, CS7, CS10 and CS20 of the Core Strategy. Although the Council is not currently able to demonstrate a five year housing land supply, the Council is not satisfied that the benefits of allowing the development would clearly outweigh the harm to appearance of the countryside under paragraph 11 of the National Planning Policy Framework (NPPF) given that there would be a clear conflict with the requirements under paragraphs 77 and 78 of the NPPF”

- 4.2 Members of the Development Management Committee subsequently determined to refuse planning application 4/00024/19/MFA (Construction of 15 dwellings, access, parking and associated landscaping) at the meeting of the 8th July 2021. The following reason for refusal was given:

“The principle of the proposed entry level housing, by reason of its scale and siting would result in significant harm to the character and appearance of the countryside contrary to Policies CS1, CS2, CS7, CS10 and CS20 of the Core Strategy. Although the Council is not able to demonstrate a five year housing land supply, the Council are not satisfied that the benefits of allowing development would clearly outweigh the harm to the appearance of the countryside under paragraph 11 of the National Planning Policy Framework (NPPF) given that there would be a clear conflict with the requirements of paragraphs 77 and 78 of the NPPF and given a lack of associated infrastructure within the village of Wilstone”

- 4.3 Planning application 20/01754/MFA was subsequently approved by the Planning Inspectorate under reference APP/A1910/W/21/3268082 (21/00003/REFU) on the 25th August 2021.
- 4.4 The applicants are currently in the process of discharging relevant planning conditions.

5. PROPOSAL

- 5.1 The application seeks a minor material amendment to planning permission 20/01754/MFA under Section 73 of the Town and Country Planning Act 1990 (as amended). The proposals seek approval for a number of design changes to plots 1, 2, 3, 5, 21, 22, 23, 24, 25, 26, 27 and 28 as follows. Alterations to plot 19 have been withdrawn.

Plot 1

- 5.2 The rendered elevations to plot 1 are proposed to be changed to brick and flint with the addition of a brick band course. The proposals would introduce a two storey rear extension extending the family and dining room on the ground floor and adding a fifth bedroom. New windows will be added to bedrooms 1 and 5 on the side elevations. Patio doors on the southern side elevation would be replaced with windows with the patio doors relocated to the rear elevation. An additional window will also be added on the northern side elevation to the en-suite to bedroom 2.

Plots 2, 21 and 24.

- 5.3 Two storey rear extensions would be added to the property to provide an extended lounge and family/dining room and a study on the ground floor, a walk in wardrobe to bedroom 1 and an en-suite to bedroom 2 on the first floor. Small side windows would be added to adjacent the patio doors on the ground floor rear elevation. Additional windows would be added to the side elevations for the bathroom and study to bedroom 1.

Plot 3

- 5.4 Alterations to the front and side elevations to brick and flint. The addition of a two storey rear extensions to include a study and family room on the ground floor and enlarged bedroom 2 with en-suite at first floor level. An additional window would be added to the en-suite to bedroom 2 on the southern side elevation.

Plot 5

- 5.5 The proposals would result in the removal of the render from the front elevation and its replacement with brick and flint.

Plots 22, 23 and 28

- 5.6 The proposal would change the front and western side elevation facing material of plot 23 to brick and flint. The render to plot 28 would be replaced with a red brick. Two storey extensions are proposed to all of the plots to include extended kitchen/dining areas and provide a bedroom 5 at first floor level. The replacement of patio doors on the southern side elevation of the property with a side door and the provision of bay windows to dining areas. The windows at ground level to the rear elevations (western) would be replaced with patio doors and a window will be added to the en-suite at bedroom 1.

Plot 25

- 5.7 Alterations to the materials to the front and side elevation from render to brick and flint.

Plot 26

- 5.8 The proposals would seek to add a two storey rear extension to the property to include a new study and family room on the ground floor and enlargement of bedrooms 1 and 2 with new en-suite to bedroom 2. An additional window would be added to bedroom 2 whilst the window on the rear elevation to bedroom 2 would be widened.

Plot 27

- 5.9 The proposals would seek to add a two storey rear extension to the property to include a new study and family room on the ground floor and an enlarged bedroom 2 with en-suite at first floor level. A door from the utility room would be removed from the rear elevation. An additional window to the en-suite to bedroom 2 would be provided on the northern side elevation.

6. REPRESENTATIONS

Consultation responses

- 6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

6.2 These are reproduced in full at Appendix B.

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:

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 – Selection of Development Sites
CS7 – Rural Area
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS18 - Mix of Housing
CS19 - Affordable Housing
CS20 – Rural Sites for Affordable Homes
CS23 – Social Infrastructure
CS26 - Green Infrastructure
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS30 – Sustainability Offsetting
CS31 - Water Management
CS32 - Air, Soil and Water Quality
CS35 - Infrastructure and Developer Contributions

Hertfordshire County Council Waste Core Strategy

Policy 1: Strategy for the Provision for Waste Management Facilities.

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

Saved Policies of the Dacorum Borough Local Plan

Policy 10 - Optimising the use of urban land
Policy 12 - Infrastructure Provision and Phasing
Policy 13 - Planning Conditions and Obligations
Policy 18 - Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 54 - Highway Design

Policy 58 - Private Parking Provision
Policy 99 - Preservation of Trees, Hedgerows and Woodland
Policy 118 - Important Archaeological Remains.
Appendix 3 - Layout and Design of Residential Areas

Supplementary Planning Guidance / Documents

Affordable Housing (Jan 2013)
Car Parking Standards (November 2020)
Energy Efficiency & Conservation (June 2006)
Water Conservation & Sustainable Drainage (June 2005)

Advice Notes and Appraisals

Affordable Housing Advice Note
Sustainable Development Advice Note (March 2011)

8. CONSIDERATIONS

- 8.1 The application seeks minor material amendments to planning approval 20/01754/MFA as approved under appeal APP/A1910/W/21/3268082. There is no statutory definition of a 'minor material amendment' however it is likely to include any amendment where the scale and/or nature of use results in a development that is not substantially different from the one that has been approved as set out with the National Planning Policy Guidance.
- 8.2 The proposals seek to introduce changes to the materials used across the site replacing rendered elements of the approved design with brick or flint sections. Such changes are necessary given concerns over the supply of construction materials and are generally considered to fall within the scope of minor amendments.
- 8.3 The proposals also include the provision of a number of two storey rear extensions to several units upon the application site. These changes result in a minor increase in the overall floor area of the proposed scheme by some 269m² (approximately 9.6m² per dwelling or 13.5%) These changes are largely confined to the open market units upon the application site but only result in an increased number of bedrooms in 4 of the 28 units (14%) by a single bedroom. This would result in the provision of five bed dwellings on plots 1, 22, 23 and 28.
- 8.4 The nature of the proposed development is consistent in broad terms with the original planning permission comprising a range of 1, 2, 3, 4 and 5 bed dwellings including some 50% affordable housing. The mix and tenure of affordable homes is consistent with the approved scheme, whilst the means of access to the site, the drainage strategy and extent of public open space remain as approved.

Principle of Development

- 8.5 The principle of residential development on this site has been established through the grant of planning permission 20/01754/MFA via appeal decision APP/A1910/W/21/3268082. The scheme was granted at appeal on the planning balance and having regard to paragraph 11 of the NPPF. The Inspectorate concluded that the development of 28 units would not result in a disproportionate extension of the settlement of Wilstone and that there was limited harm arising from the loss of open countryside in this location. Such matters were clearly outweighed by the delivery of homes and affordable homes in this location in the Inspectors opinion.

Affordable Homes

- 8.6 The affordable housing elements of the proposals remain consistent with the approved scheme and provide a number of units of the type and tenure identified as being required through the Tring Rural Parish Housing Needs Survey (June 2018) These would be occupied by those residents with the local connection as required under Policy CS20 of the Core Strategy. Larger affordable housing units would be provided at a discounted market rate reflecting the emergence of First Homes in the NPPF and associated affordable housing guidance.
- 8.7 The delivery of housing to address and identified local need was afforded significant weight in the decision to recommend the grant of planning permission in this case.

Layout and Design

- 8.8 The scheme is considered to represent a high quality residential scheme in accordance with Chapter 12 of the NPPF, Policies CS10, CS11, CS12 and CS13 of the Core Strategy and Saved Appendix 3 of the Local Plan.
- 8.9 The layout and arrangement of residential units, landscaping and amenity space is considered to strike an appropriate balance between the need to make best use of land and provide a soft, landscaped, natural and defensible boundary at the northern edge of the settlement of Wilstone.
- 8.10 The layout of the scheme allows for a continuation of the strong linear frontage of properties to Tring Road and will infill a gap in built form between Grange Road/Tring Road and Wilstone Wharf. The internal layout allows properties to address either the principal access route or private drives. Dual frontages and 'L' shaped buildings are used in sensitive locations to increase active frontages to the street and open space areas.
- 8.11 Whilst extensions have been added to plots 1, 22, 23 and 28, these extensions are located away from the public open space area and their impact on the open character and appearance of the development is limited. The impact of extensions to plots within the development would be barely perceived from the surrounding area and wider public realm.
- 8.12 The applicants have addressed some minor concerns with regards to the relationship between open market units as a result of adding two storey rear extensions to a number of the plots.
- 8.13 The separation distance between plots 1 and 22 now falls within 23m at its closest point but this widens to 25m for the majority of the space between the units and to 28m at its northern point. Plot 23 has been re-sited 3m to the northwest of the site which results in a separation distance for the majority of the curtilage of some 24.5m to Plot 28. Plot 27 has been pulled forward by 1m allowing a separation distance of 22m between the Plots 24 and 27. Whilst these changes have eroded some of the front gardens to these units, the overall impact on the layout and street scene remains acceptable under Policies CS11 and CS12 of the Core Strategy and Saved Appendix 3.

Impact on Heritage Assets

- 8.14 There are no objections from the Conservation and Design team to the proposed development. The roof materials are acceptable given the extant permission and given supply and cost issues associated with natural slate or a reconstituted slate natural slates. The extensions to the residential units previously approved has little consequence for the setting of heritage assets which primarily include the listed canal bridge on Tring Road. As such there would be no objection to the proposed works under Policy CS27 of the Core Strategy.

Impact on Residential Amenity

- 8.15 The buildings closest to neighbouring properties in Grange Road and Tring Road are as set out within the extant planning permission. They have been carefully sited to ensure that there is also no significant adverse impact upon the residential amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

Access, Parking and Movement

- 8.16 The proposals include a new priority T junction with a kerbed entrance leading to an internal access road and a series of private driveways. The proposed access design is of an acceptable width to enable two vehicles to pass one another and the general designs are in accordance with design criteria as laid out in Roads in Hertfordshire: Highway Design Guide.
- 8.17 The T junctions have been designed with appropriate visibility splays for the speed and juxtaposition of Tring Road and is considered to be a safe and convenient access onto Tring Road for the level of use by both future occupants and service providers including refuse and fire vehicles in accordance with Policies CS8 and CS12 of the Core Strategy. Within the site, the highway layout allows sufficient space for the access and circulation of larger vehicles with designated refuse stores provided within acceptable distances for refuse tenders. Each residential unit would be accessible by fire tenders in the event of an emergency. As such the internal layout of the estate is considered to be acceptable in accordance with Policies CS8 and CS12 of the Core Strategy
- 8.18 Vehicular parking will be provided through a combination of garages, on-plot driveway parking and off-road street parking or parking courts. The arrangement and allocation of parking spaces remains unchanged from that previously approved.
- 8.19 Although 4 dwellings (Plots 1, 22, 23 and 28) have been increased in size from 4 bed units to 5 bed units, each of these properties have 4 off street parking spaces. Such provision is considered to be appropriate and would comply with the standards contained within the Car Parking Standards SPD (November 2020).
- 8.20 6 visitor spaces are to be provided in accordance with this SPD. The provision of active EV charging points is also in accordance with this SPD in respect of the houses and visitor spaces. Active EV charging points will be provided to all houses with additional charging points provided on-street at a general ratio of 1 per dwelling.
- 8.21 The accessibility of both the main village and the canal towpath will be improved through the extension of the existing footpath network and with the provision of new footpath connections through an area of public open space in accordance with Policies CS8 and CS12 and utilising the provisions under Section 106 of the Town and Country Planning Act 1990 (As Amended). Cycle stores will also be provided within the curtilage of each dwelling

and communally elsewhere to encourage the use of alternative means of travel to the private car.

- 8.22 There is no objection from the highway authority to the proposals on either a highways capacity or safety perspective and as such there would be no objection to the proposals under Policies CS8 and CS12 of the Core Strategy and Saved Policies 51 and 54 and Appendix 5 of the Local Plan 1991-2011.

Ecology and Landscaping

- 8.23 A detailed Preliminary Ecology Assessment (PEA), Tree Survey and detailed soft landscaping plans (REC22889-11 Sheets 1 and 2) were submitted with the original planning application. The findings of these reports is not anticipated to have changed in terms of the overall ecological value of the site.
- 8.24 That PEA concluded that the arable field itself was of negligible ecological value. The field margins and surrounding hedgerow are not currently managed to provide any notable benefits for wildlife. The most significant hedgerows are those to the Tring Road frontage and alongside the Grand Union Canal with the hedgerow at the frontage of the site which meet the 'important' threshold within the Hedgerow Regulations 1997.
- 8.25 The Tree Survey and layout plans showed that three trees (H1, H3 and G4) will need to be removed to enable development of the site to occur. A further tree adjacent to the canal is recommended for removal irrespective of development on safety grounds. The trees to be removed are classified as C2 tree, being low quality trees with limited life or immature tree species.
- 8.26 The current proposals do not alter the layout of the site significantly or to the detriment of landscaping features. The proposed development still seeks to retain all of the existing hedgerows around the site with the exception of a narrow area to be removed to facilitate access to the site through a T junction. This loss is off-set by supplementary planting both to the existing hedgerow at Tring Road and through additional soft landscaping along the remaining boundaries to the site. The PEA also concludes that the proposed development is unlikely to result in any significant impacts on protected species including, amphibians, invertebrates, plants and badgers.
- 8.27 The Tree Survey concludes that there would be no detrimental impact upon any trees of significance upon or surrounding the site and with careful planning and the provision of tree protection measures that these should not prevent the development of the site.
- 8.28 The improvement of existing landscape features through native planting together with the provision and sensitive management of field margins and public open space are considered to have potential to provide biodiversity gains in accordance with Policy CS26 of the Core Strategy. The attenuation pond could provide good habitat and biodiversity enhancements to the site.
- 8.29 Details of the soft landscaping and ecological improvement measures were conditioned by the Planning Inspectorate and given that these have not as yet been discharged it is necessary to apply a similar condition to this consent.

Sustainable Construction

- 8.30 The application does not set out specifically how the requirements of Policies CS28 and CS29 are to be addressed by this submission. Sustainable building design and

construction are 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.

- 8.31 Whilst we would anticipate that buildings will be constructed to achieve or exceed the Building Regulation requirements for thermal efficiency, energy consumption and water consumption and would note the inclusion of landscaping, biodiversity measures and EV charging points. It is recommended that further details in relation to sustainable design and construction be secured by a planning condition.

Drainage and Flooding

- 8.32 The drainage of the site is a Sustainable Urban Drainage system incorporating an attenuation basin. This is generally considered appropriate in accordance with Policies CS26 and CS32 of the Core Strategy subject to detailed design.
- 8.33 Although the Lead Local Flood Authority have not been able to comment on the amended proposals under consideration, it is noted that the overall drainage strategy for the site has previously been agreed. The additional of rear extensions to a number of plots does not fundamentally alter the approach to drainage nor would it result in an unacceptable flood risk. It is noted that the site falls within Flood Zone 1 and there is very low risk of flooding at the site.

Developer Contributions and Infrastructure

- 8.34 All new developments are expected to contribute towards the costs of on site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The Council seeks to secure such infrastructure contributions through a combination of CIL and through an appropriate use of planning obligations under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 8.35 The Council has an adopted Community Infrastructure Levy (CIL) under which financial contributions are secured from all new residential development towards on site, local and strategic infrastructure works necessary to support development. The site would be located within Zone 2 (Elsewhere) wherein a charge of £150 per square metre of new residential development (as increased by indexation) will be levied in accordance with the CIL Charging Schedule. The Councils adopted Regulation 123 list sets out how such sums will be spent on infrastructure.
- 8.36 A Unilateral Undertaking was submitted under Section 106 of the Town and Country Planning Act 1990 (As Amended) at the planning appeal for 20/01754/MFA in order to secure the provision of affordable housing (50%), the provision and management of open space and a contribution towards improving bus services (£16,000) at the application site and its immediate environs. Such sums together with those due under the Community Infrastructure Levy would make appropriate contributions towards the cost of on-site, local and strategic infrastructure in accordance with Policies CS8, CS12, CS19 and CS35 of the Core Strategy.
- 8.37 There are clauses within the Unilateral Undertaking that allow these planning obligations to be secured in the event of an application under Section 73 of the Town and Country Planning Act 1990 (As Amended) without the need to enter into a further agreement.
- 8.38 Additional benefits including the provision of a footpath connection to the Canal towpath, the provision of a pedestrian crossing on Tring Road and farm access to neighbouring land were secured through a planning condition that is replicated in this case.

Planning Balance

- 8.40 The application was granted on appeal on the basis of paragraph 11 of the NPPF and the 'tilted balance' therein given that the Council was unable to demonstrate a five year housing land supply. The Council is still unable to demonstrate a housing supply and the conclusions of the balancing exercise remain as set out in the appeal decision ie the harm arising from the development does not significantly and demonstrably outweigh the benefits.

Conditions

- 8.41 The Planning Inspectorate applied 22 planning conditions to the grant of planning permission and it falls to the Local Planning Authority to determine whether these should be removed, reapplied or amended through the subsequent grant of this permission. These conditions were as follows:

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Plans:

Bin and Bike Store floor plans and elevations – P.220.BS.01
Detached garage floor plans and elevations – P.220.DG.01
Detached garage floor plans and elevations – P.220.DG.02
Location Plan – P.220.LP.01 Rev
Proposed site plan – P.220.SP.01 Rev P
Proposed surface materials and boundary plan – P.220.SP.02 Rev A
Proposed material plan – P.220.SP.03 Rev
Proposed parking plan – P.220.SP.04 Rev A
Proposed affordable housing tenure plan – P.220.SP.05 Rev A
Proposed street scenes – P.220.SS.01 Rev B
Plots 8-11 elevations – P.220.T553.01 Rev B
Plots 8-11 floor plans – P.220.T553.02 Rev A
Plots 6 and 7 elevations – P.220.T754.851.01 Rev A
Plots 6 and 7 floor plans – P.220.T754.851.02
Plots 4 and 5 elevations – P.220.T754.1003.01
Plots 4 and 5 floor plans – P.220.T754.1003.02
Plots 12-14 elevations – P.220.T851.01 Rev A
Plots 12-14 floor plans – P.220.T851.02
Plots 17 and 18 elevations -P.220.T851.03 Rev B
Plots 17 and 18 floor plans – P.220.T851.04
Plots 19 and 20 elevations – P.220.T953.02 Rev A
Plots 19 and 20 floor plans – P.220.T.953.03 Rev A
Plots 21 and 24 elevations – P.220.T974.01 Rev B
Plots 21 and 24 floor plans – P.220.T974.02 Rev A
Plot 15 elevations – P.220.T974.03 Rev B
Plot 16 elevations – P.220.T974.04 Rev B;
Plot 25 elevations – P.220.T974.05 Rev A
Plots 16 and 25 floor plans – P.220.T974.06 Rev B
Plot 15 floor plans – P.220.T974.07 Rev A;
Plots 3 and 26 elevations – P.220.T1334.01 Rev A
Plots 3 and 26 floor plans – P.220.T1334.02 Rev A

Plot 27 elevations – P.220.T1334.03
Plot 1 elevations – P.220.T1760.01 Rev A
Plot 1 floor plans – P.220.T1760.02
Plots 22 and 23 elevations – P.220.T1760.03 Rev A
Plot 28 elevations – P.220.T1760.04 Rev A
Plots 22 23 and 28 floor plans – P.220.T1760.05 Rev A
Soft landscaping plans – REC22889-11 Sheet 1 of 2
Soft landscaping plans – REC22889-11 sheet 2 of 2
Topographical Plan – G 9124/1 @ A

Documents:

Arboricultural Report (May 2020) by Sylva
Flood Risk and Drainage Statement (June 2020) and Technical Note (October 2020) by Glanville
Heritage Assessment (May 2020) by Albion Archaeology
Preliminary Ecological Appraisal (June 2020) by Windrush Ecology Limited
Transport Statement (April 2020) by Glanville

- 3) No above ground works shall take place until 1:20 details of the new external joinery including glazing pattern, vertical and horizontal cross section details and finish have been submitted to, and approved in writing by, the Local Planning authority. These drawings shall show the window set within the surround. Development shall be carried out in accordance with the approved details and retained thereafter.
- 4) The development hereby approved, shall not be used, until the means of access, parking and circulation areas have been provided fully in accordance with drawings P220.SP.01 Revision P and P.220.SP.04 Revision A.
- 5) Prior to the commencement of development, full details of a pedestrian crossing at a location to be agreed in Tring Road shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:
 - i) An acceptable level of pedestrian to vehicular visibility in either direction, pedestrian dropped kerbs and tactile paving. Development shall be carried out in accordance with the approved details, prior to the first occupation of the development and shall be retained thereafter.
 - ii) The provision of access to adjacent farmland from the turning head between plots 16 and 26
- 6) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing number P.220.SP.01 Revision P have been submitted to and approved in writing by the Local Planning Authority
- 7) The development hereby permitted shall not be occupied until the offsite highway improvement works referred to in Condition 6 shall be completed in accordance with the approved details.
- 8) Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan number 8180891/6101 B (included within the Transport Statement, dated April 2020). The splays shall thereafter be retained at all times and be kept free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

- 9) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details of:
- a) Construction vehicle numbers, type, routing;
 - b) Swept path analysis for the largest anticipated vehicle to use the temporary access;
 - c) Traffic management requirements;
 - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) Siting and details of wheel washing facilities
 - f) Cleaning of site entrances, site tracks and the adjacent public highway;
 - g) Timing of construction activities (including delivery times and removal of waste);
 - h) Provision of sufficient on-site parking prior to commencement of construction activities; and
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- 10) Notwithstanding the details submitted, no construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority.

These details shall include:

- a) means of enclosure, including the materials and/or hedging plants to be used for any enclosures, together with the location of any hedgehog gates;
- b) soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- c) finished levels and contours in relation to existing site levels, eaves and ridge heights of neighbouring properties;
- d) any exterior lighting works; and
- e) the siting and design of any bird boxes, bat boxes and other habitat creation.

The planting must be carried out within one planting season of completing the 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.

- 11) No development shall take place until the measures for the protection of trees have been provided in accordance with the Tree Protection Plan within the Arboricultural Report by Sylva Consulting dated May 2020 Ref 20058. All protective measures shall remain in-situ and be free from the storage of construction material, plant and machinery for the duration of the construction period.
- 12) The development hereby approved shall not be occupied until a plan for the management, maintenance and ecological improvement of the public open space and site boundaries has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be maintained, and improvements implemented fully in accordance with the approved details.
- 13) 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 (Phase I) 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.

- 14) If the Local Planning Authority is of the opinion that the report which agrees the above details, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) 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) from the application of an appropriate risk assessment methodology.

- 15) In the event of contamination being identified in respect of Condition 14; no development approved by this permission shall be commenced until a Remediation Method Statement report; if required, has been submitted to and approved by the Local Planning Authority.

- 16) 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 15 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

- 17) Prior to the commencement of the development, a Risk Assessment and Method Statement shall be submitted and agreed by the Local Planning Authority which includes:

a) details of any proposed protective fencing to be erected to safeguard the waterway infrastructure and canal towpath boundary during the construction process;
b) a method of preventing pollution of the ditch and canal (if hydraulically linked) from overland flows or polluted groundwater during the construction process;
c) an assessment of the risk to canal assets and if pilling methods are to be used the need for vibration monitoring to protect the canal and lock infrastructure during the course of construction; and
d) a timetable for the implementation and retention of the above.

All works shall be carried out in accordance with the approved details, be implemented in accordance with the agreed timetable.

- 18) Prior to the commencement of development, full details of foundation designs shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 19) Plots 1, 22, 23 and 28 shall not be occupied until an assessment of noise has been undertaken to determine whether there would be any noise nuisance arising from commercial operations to the north of the application site and the need for mitigation measures has been submitted to and approved in writing by the local planning authority. The mitigation measures shall be implemented in accordance with the approved detail prior to the first occupation of these specific dwelling and shall be retained thereafter.

- 20) The development, hereby approved, shall not be occupied until full details of the Electric Vehicle Charging Points including the type of charger, power supply and a scheme for the maintenance and management of charging points has been submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation and shall thereafter be retained.

- 21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) or any revisions thereto there shall be no development falling within the following schedules to the specified units without the express planning permission of the Local Planning Authority
 - i) Schedule 2 Part 1 Class A – Plot 18
 - ii) Schedule 2 Part 1 Classes B and C - Plots 1, 2, 3, 15, 16, 19, 20, 24, 25, 26 and 27
 - iii) Schedule 2 Part 2 Class A – All plots
- 22) The development, hereby approved, shall not be occupied until full details of a footpath link to the Grand Union Canal have been submitted to and approved in writing by the Local Planning Authority. The approved footpath shall be constructed in accordance with the approved details prior to the completion and occupation of the last dwelling and retained thereafter.
- 8.42 The length of a planning permission cannot be extended via an application under Section 73 and as such a new condition 1 should refer to the expiry date of the original permission (25th August 2023)
- 8.42 All remaining planning conditions will need to be updated by the addition of new plan and drawing numbers as appropriate.
- 8.43 Planning conditions 9 and 13 have previously been discharged under planning reference 21/04531/DRC. Development shall be carried out in accordance with the approved details. The site is free from contamination negating the need to apply conditions 13, 14, 15 and 16.
- 8.44 Planning conditions 5, 6 and 22 have previously been discharged under planning reference 21/04350/DRC. In addition the highway works are subject to a separate agreement under Section 278 of the Highways Act 1980. Development shall be carried out in accordance with the approved details.
- 8.45 Planning application 21/04666/DRC for the discharge of conditions 17 and 18 of this extant permission is currently awaiting determination. In the event that this application is determined prior to the issue of a decision on this case, then development should be carried out in accordance with the approved details. A less onerous condition 18 is suggested which would not require details to be approved by the planning authority whilst still protect groundwater from contamination.
- 8.46 Commercial operations to the north of the site have ceased and the site has been redeveloped for residential purposes. As such it is not considered to be necessary to reapply condition 19 relating to noise.
- 8.47 It is still considered necessary to remove some permitted development rights in order to ensure that the layout and design of the development remains appropriate in accordance with Policies CS11 and CS12 of the Core Strategy and to ensure that the residential units retain an appropriate level of amenity in accordance with Policies CS11 and CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

10 RECOMMENDATION

- 10.1 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)

Condition(s) and Reason(s):

1. **The development hereby permitted shall begin before the 25th August 2023**

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:**

Plans

P220 BS 01 (Bike Store)
P220 DG 01 (Detached Garage)
P220 LP 01 Revision B (Location Plan)
P220 SP 01 Revision R (Proposed Site Plan)
P220 SP 03 Revision D (Proposed Materials Plan)
P220 SP 04 Revision B (Proposed Parking Plan)
P220 T 553 01 Revision B (Elevations to Plots 8 to 11)
P220 T 553 02 Revision A (Floor Plans to Plots 8 to 11)
P220 T 754 851 01 Revision A (Elevations to Plots 6 and 7)
P220 T 754 851 02 (Floor Plans to Plots 6 and 7)
P220 T 851 01 Revision A (Elevations to Plots 12 to 14)
P220 T 851 02 (Floor Plans to Plots 12 to 14)
P220 T 851 03 Revision B (Elevation to Plots 17 and 18)
P220 T 851 04 (Floor Plans to Plots 17 and 18)
P220 T 953 02 Revision A (Elevations to Plots 19 and 20)
P220 T 953 03 Revision A (Floor Plans to Plots 19 and 20)
P220 T 974 01 Revision C (Elevations to Plots 2, 21 and 24)
P220 T 974 02 Revision B (Floor Plan to Plots 2, 21 and 24)
P220 T 974 03 Revision B (Elevation to Plot 15)
P220 T 974 04 Revision B (Elevation to Plot 16)
P220 T 974 05 Revision B (Elevation to Plot 25)
P220 T 974 06 Revision B (Floor Plan to Plots 16 and 25)
P220 T 974 07 Revision A (Floor Plan to Plot 15)
P220 T 1003.01 Revision B (Elevations to Plots 4 and 5)
P220 T 1003.02 Revision A (Floor Plans to Plots 4 and 5)
P220 T 1334 01 Revision B (Elevations to Plots 3)
P220 T 1334 02 Revision B (Floor Plans to Plots 3)
P220 T 1334 03 Revision A (Elevation to Plot 27)
P220 T 1334 04 Revision A (Floor Plan to Plot 27)
P220 T 1334 05 Revision * (Floor Plan to Plot 26)
P220 T 1334 06 Revision * (Elevations to Plot 26)
P220 T 1760 01 Revision B (Elevation to Plot 1)
P220 T 1760 02 Revision A (Floor Plan to Plot 1)
P220 T 1760 03 Revision B (Elevation to Plots 22 and 28)
P220 T 1760 04 Revision B (Elevation to Plot 23)

P220 T 1760 05 Revision B (Floor Plans for Plots 22, 23 and 28)

Documents

**Arboricultural Report (May 2020) by Sylva Consultancy
Flood Risk and Drainage Statement (June 2020) and Technical Note (October 2020)
by Glanville
Heritage Assessment (May 2020) by Albion Archaeology
Preliminary Ecological Appraisal (June 2020) by Windrush Ecology Limited
Transport Statement (April 2020) by Glanville**

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

- 3. No development shall take place until 1:20 details of the new external joinery including glazing pattern, vertical and horizontal cross section details and finish. These drawings shall show the window set within the surround. These shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Core Strategy.

- 4. The development hereby approved, shall not be used, until the means of access, parking and circulation areas have been provided fully in accordance with drawings P220 SP 01 Revision R and P220 SP 04 Revision B**

Reason: To ensure the provision and retention of adequate access and parking facilities for the site in accordance with Policies CS8 and CS12 of the Core Strategy.

- 5. The development hereby permitted shall not be occupied until the offsite highway improvement works, footpath works and farm access works discharged under planning reference 21/04350/DRC shall be completed in accordance with the approved details.**

Reason: In the interests of highways safety and in accordance with Policies CS8, CS12 and CS26 of the Core Strategy.

- 7. Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan number 8180891/6101 B (included within the Transport Statement, dated April 2020). The splays shall thereafter be retained at all times and be kept 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).

- 8. The development hereby approved shall be undertaken in accordance with the Construction Management Plan approved under planning reference 21/04531/DRC**

Reason: In the interests of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy.

9. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority.**

These details shall include:

- means of enclosure, including the materials and/or hedging plants to be used for any enclosures, together with the location of any hedgehog gates;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- finished levels and contours in relation to existing site levels, eaves and ridge heights of neighbouring properties;
- any exterior lighting works and
- the siting and design of any bird boxes, bat boxes and other habitat creation.

The planting must be carried out within one planting season of completing the 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 ensure the adequate landscaping of the site in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

10. **No development shall take place until the measures for the protection of trees have been provided in accordance with the Tree Protection Plan within the Arboricultural Report by Sylva Consulting dated May 2020 Ref 20058. All protective measures shall remain in-situ and be free from the storage of construction material, plant and machinery for the duration of the construction period.**

Reason: To ensure the adequate protection of trees and landscaping features in accordance with Policy CS12 and Saved Policy 99 of the Local Plan 1991-2011.

12. **The development hereby approved shall not be occupied until a plan for the management, maintenance and ecological improvement of the public open space and site boundaries has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be maintained, and improvements implemented fully in accordance with the approved details.**

Reason: To ensure the satisfactory management of open space in the interests of visual amenity and biodiversity and in accordance with Policies CS12 and CS26 of the Core Strategy.

13. **Prior to the commencement of the development, a Risk Assessment and Method Statement shall be submitted and agreed by the Local Planning Authority which includes:**

a) details of any proposed protective fencing to be erected to safeguard the waterway infrastructure and canal towpath boundary

b) a method of preventing pollution of the ditch and canal (if hydraulically linked) from overland flows or polluted groundwater and

c) an assessment of the risk to canal assets and if piling methods are to be used the need for vibration monitoring to protect the canal and lock infrastructure during the course of construction.

All works shall be carried out in accordance with the approved details.

Reason: To comply with paragraph 170 of the National Planning Policy Framework as the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc entering the canal.

- 14. Piling and other deep foundation designs using penetrative methods shall not be carried out other than with the written permission of the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: To safeguard the structural integrity of the grade II canal bridge and to ensure that there is no pollution of the watercourse in accordance with Policies CS27 and CS31 of the Core Strategy

- 15. The development, hereby approved, shall not be occupied until full details of the Electric Vehicle Charging Points including the type of charger, power supply and a scheme for the maintenance and management of charging points has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to occupation and shall thereafter be retained.**

Reason: In the interests of access and highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD.

- 16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) or any revisions thereto there shall be no development falling within the following schedules to the specified units without the express planning permission of the local planning authority**

Schedule 2 Part 1 Class A – All plots

Schedule 2 Part 1 Classes B and C - Plots 1, 2, 3, 15, 16, 19, 20, 24, 25, 26 and 27

Schedule 2 Part 2 Class A – All plots

Reason: In the interests of the visual amenity of the area and residential amenity in accordance with Policy CS10, CS11 and CS12 of the Core Strategy.

- 17. The development, hereby approved, shall not be occupied until a footpath link to the Grand Union Canal has been provided in accordance with the details submitted under application 21/04350/DRC. The approved footpath shall be constructed in accordance with the approved details and retained thereafter.**

HIGHWAY INFORMATIVES:

HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

CONTAMINATION

Any contamination, other than that report 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Tring Rural Parish Council	No comments received.
Hertfordshire Constabulary	I have no further comments regarding this application.
Hertfordshire County Council – Ecology Unit	No comments
Hertfordshire County Council – Growth and Infrastructure Unit	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 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community

	<p>Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels. 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 this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision</p>
Hertfordshire Highways	<p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Comments</p> <p>Confirmation has been given by the planning consultant that the proposals still include the pedestrian crossing point as per the previously approved plans.</p> <p>HCC as Highway Authority would therefore not wish to object to the variation of condition 2 /amended plans.</p>
Hertfordshire County Council – Lead Local Flood Authority	<p>Due to current on-going recruitment challenges in the Lead Local Flood Authority, we are needing to prioritise our work and we are unable to respond to any new planning consultations.</p> <p>Advice on what the LLFA expect to be contained within a Flood Risk Assessment / Surface Water Drainage Strategy to support a planning application is available on our surface water drainage webpages. The LLFAs policies on SuDS are contained within the Local Flood Risk Management Strategy 2 (LFRMS2). The Guidance for developers contains a Developers Guide and Checklist for developers to understand LLFA requirements. A climate change allowance note for Hertfordshire is also detailed. These are all available under Policies and Guidance on our website:</p> <p>https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#</p> <p>If the site contains an ordinary watercourse, we advise that: Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and/or temporary works, regardless of any planning permission. For further advice on Ordinary Watercourses, please visit our Ordinary Watercourse webpage via the following link:</p> <p>https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/ordinary-watercourses/ordinary-watercourses.aspx#</p>

	<p>When we have cleared our backlog of consultations, we will be working on the principle of addressing the most significant cases; triaging and prioritising. This means that for many applications we will not be able to provide detailed comments or input.</p> <p>This is not a message we had wanted to deliver and appreciate this is far from satisfactory</p>
<p>Conservation and Design</p>	<p>We would not object to the proposed changes. However it would be beneficial to change the proposed fibre cement slates to a natural slate or a reconstituted slate. To the road front there should be a blended mix so there is variation in the roof tile colour and it sits more comfortably within the landscape</p>
<p>Environmental Health - Contamination</p>	<p>Having reviewed the application documents I am able to confirm that there is no objection to the proposed development, however, it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and that where found to be present it will be remediated.</p> <p>This recommendation reflects the introduction of housing on the site and the possibility of elevated concentrations of contaminants to be present either naturally, or through their introduction to the ground via the formal or informal uses of the application site and neighbouring land.</p> <p><u>Contaminated Land Conditions:</u></p> <p>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 (Phase I) 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 by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p style="padding-left: 40px;">(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p style="padding-left: 40px;">(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>c) No development approved by this permission (other than</p>

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 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 and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Having reviewed the application documents I am able to confirm that there is no objection to the proposed development, however, it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and that where found to be present it will be remediated.

This recommendation reflects the introduction of housing on the site and the possibility of elevated concentrations of contaminants to be present either naturally, or through their introduction to the ground via the formal or informal uses of the application site and neighbouring land.

<p>Environmental Health – Noise and Pollution</p>	<p>I note that there are commercial units close to the application site. This appears to be a scaffold business.</p> <p>This may be a potential source of noise for future residential occupiers from early morning and weekend operations. We require further information on this premises, whether it is likely to represent a source a noise and if this is the case most likely we will require a noise assessment to determine suitability of the proposed site.</p>
<p>Canal and River Trust</p>	<p>We are a charity who look after and bring to life 2000 miles of canals and rivers. Our waterways contribute to the health and well-being of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the well-being of our nation. The Trust is a statutory consultee in the Development Management Process</p> <p>The main issues relevant to the Trust as statutory consultee on this application are:</p> <ul style="list-style-type: none"> a) The impact on the character, appearance and heritage of the waterway, b) The impact on the structural integrity of the canal due to the proximity of the proposed works and drainage proposals, c) Accessibility and d) Possible mitigation measures as a result of flooding from Startops Reservoir <p>Based on the information available our substantive response (as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) is to advise that suitably worded conditions and/or a legal agreement are necessary to address these matters. Our advice and comments are as follows:</p> <p>The proposals seek to amend the house types approved as part of a previous scheme for the site which was allowed at appeal (LPA reference 20/01754/MFA) The submission is not supported by an updated Design and Access Statement or Heritage Assessment and therefore the extent of changes is not clearly set out.</p> <p>Nonetheless, on the basis of the submitted plans, whilst the changes proposed and overall bulk of some of the proposed dwellings, they would be set back significantly from the canal boundary.</p> <p>Considering this, the retention of existing planting and commitments to new planting the visual impact of the development when viewed from the canal corridor would not be significantly altered from that of the approved scheme.</p> <p>With regards to the other matters outlined above our comments are as per our response to the original application and should planning permission be granted, we request that the conditions imposed on the previous application are included on any decision. In addition the</p>

	<p>following informative should be appended to the Decision Notice:</p> <p>INFORMTIVE The applicant/developer is advised to contract the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal and River Trust”</p>
<p>Natural England</p>	<p>Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.</p> <p>The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.</p> <p>Generic advice is provided in Annex A attached</p> <p>Annex A – Additional advice:</p> <p>Natural England offers the following additional advice:</p> <p>Landscape Paragraph 174 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.</p> <p>Best and most versatile agricultural land and soils Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of</p>

'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)².

Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in

relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures.

Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.0](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.0](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

	<p>Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 3.0 and is available as a beta test version.</p> <p>Access and Recreation Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.</p> <p>Rights of Way, Access land, Coastal access and National Trails Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.</p> <p>Biodiversity duty Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.</p>
<p>NATS Safeguarding</p>	<p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.</p> <p>However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.</p> <p>If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.</p>

Thames Water	<p>Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>The application indicates that surface water will not be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.</p> <p>Water Comments</p> <p>On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> <p>There are water mains crossing or close to your development. Thames Water do not permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</p> <p>The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Address/Neighbour	Comments
13 New Road	All previous objections to the original development apply. In spite of planning permission being granted on appeal this development is contrary to local and national planning policies. An increase in size of dwellings requires more

	parking provision and this has not been provided.
55 Tring Road	<p>This application for 28 dwellings represents a 10% increase in the total number of dwellings in the village of Wilstone, a significant increase for a small village within the rural area.</p> <p>This proposed development appears to contravene Policy CS7 in respect to being a small scale development and CS2 being outside the village boundary.</p> <p>This is in addition to 8 new dwellings at Wilstone Wharf, Tring Road, 6 new dwellings to the rear of 36-44 Tring Road and 6 new dwellings on the storage yard in Tring Road.</p> <p>This totals 48 new dwellings in less than 4 years to a small village with no amenities other than a pub and a volunteer run village shop for a village well in excess of 300 households and far exceeding the Tring Rural Parish Housing Need survey of 2018.</p> <p>This development, based on a recent statistical survey, would increase the number of vehicles in the village by approximately 50. The resulting increase in traffic through the village and demands for parking places disproportionate strains on the infrastructure and an increased risk for pedestrians, especially on the bend by the village hall.</p> <p>An inevitable increase in traffic over the canal bridge will exacerbate the failing road surface already experienced from traffic over the bridge, furthermore the entrance / exit to the dwellings is close to a hump back bridge with restricted visibility and poses an additional risk to accidents.</p> <p>The development on a green field site, sets a dangerous precedent for future builds, given that previous developments to date, have been on brown field sites.</p> <p>Whilst I am pleased that the HCC Lead Local Flood Authority have now had visibility of the proposed plans, their initial response was to object on grounds of flood risk and drainage concerns. Whilst the revisions to this application state that they have addressed all of the concerns, I remain sceptical of the proposed mitigations given their reliance on water courses which remain unmaintained and the discharge into the Grand Union Canal which is prone to overtopping and with outflows into other unmaintained water courses outside of Wilstone. The water courses within the Parish are no longer fit for purpose with a devolved responsibility to Riparian Land Owners for their maintenance, which is clearly ineffective as is evident with several flooding events in Long Marston since 2014.</p> <p>I therefore continue to object to this development</p>
58 Tring Road	<p>We OBJECT to the variation of the attached planning permission.</p> <p>Having reviewed the amended plans we note that the open market units have been increased in size and number of people to be potential accommodated in the units. Four of the units have increased from 4B8P to 5B10P and have only been allocated 3 parking spaces each.</p>

	<p>The NPPF encourages the introduction of parking standards where there is a clear and compelling justification that they are required to manage the local road network. In setting local parking standards for residential developments, local planning authorities should take into account:</p> <ul style="list-style-type: none"> - the accessibility of the development - the type, mix and use of development - the availability of and opportunities for public transport - local car ownership levels <p>Increasing the size of these units is inappropriate development in Wilstone, which is one of the least sustainable areas of the borough. We do not have a robust public transport system and residents rely heavily on private transport. We would draw attention to;</p> <p>DACORUM BC RESIDENTIAL PARKING STANDARDS SPD (1/09/2020) Application of standards</p> <p>6.1 The starting principle is that all parking demand for residential development should be accommodated on site; and the requirements shown are 'standards' - departures from these will only be accepted in exceptional cases, when appropriate evidence is provided by the agent/developer for consideration by the Council, and the Council agrees with this assessment.</p> <p>The SPD advises that residential housing units in Rural Zone 3, with 4 bedrooms should have 3 allocated parking spaces each and above 4 bedrooms should be assessed on an individual basis.</p> <p>('Allocated' refers to a location where 50% or more of the spaces are allocated to individual units or within the curtilage of a dwelling).</p> <p>Local knowledge of lack of sufficient parking within the settlement, indicates to us that if these 5-bedroom dwellings are approved, they will need to provide 4.2 parking spaces per unit on this development to avoid future parking stress and danger to pedestrians in our narrow roads.</p>
71 Tring Road	<p>Having reviewed the amended plans we note that the sale units have been increased in size and number of people to be potential accommodated in the units. They have added at least 11 additional beds but have not made any additional allowance for parking. Four of 8 of the units have increased from 4B8P to 5B10P and have only been allocated 3 parking spaces each.</p> <p>The village already is struggling for parking and at times the centre of the village is so busy it becomes single lane travel. Any increase to this will only exasperate the issue within the village. In recent times due to the increase in cars to the existing properties on Tring Road with no off road parking they are now having to overspill into other roads within the village. The village hall parking area has been ruled out of bounds for the adjoining residents which only makes the on the road parking worse.</p> <p>With the increase in the floor plans of the for sale units this will have an effect on the surface water drainage system. The proposed scheme has the drainage going into an attenuation pond which is then released via a hydrobrake into boundary ditch which flows into the canal. However on visual viewing of the ditch it appears the water flows beneath the canal into Watery Lane which floods every winter. Any further hard surface areas will increase the water into the ditch and conversely Watery Lane.</p>

	Have the council considered the effect these additional developments within the village will have on the local infrastructures? (Schooling, drainage, public transport, parking, bin collections and postal service)
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