

ITEM NUMBER: 5b

22/01692/FUL	Construction of a detached industrial building comprising 3 units (each with flexible use within Use Classes E(g)(iii) / B8) with associated car parking, landscaping and other associated works.	
Site Address:	Binghams Park Farm Potten End Hill Water End Hemel Hempstead Hertfordshire HP1 3BN	
Applicant/Agent:	Masters Farms	Danniella Persaud
Case Officer:	James Gardner	
Parish/Ward:	Great Gaddesden Parish Council	Watling
Referral to Committee:	Contrary view of Great Gaddesden Parish Council	

1. RECOMMENDATION

That planning permission be **GRANTED** subject to conditions.

2. SUMMARY

2.1 The proposal constitutes the redevelopment of previously developed land in the Green Belt but would have a greater impact on the openness of the Green Belt.

2.2 Nonetheless it is considered that the harm to the Green Belt by reason of inappropriateness and any other harm is outweighed by the economic benefits that would accrue to the Borough and the rural economy. This is predicated on the basis that the application site forms part of a developed and established industrial site, would have limited, if any, visual impact on the openness of the Green Belt, and would contribute to addressing an identified shortage of light industrial units for small businesses in the Borough.

2.3 Consideration has been given to the impact on the Chilterns AONB and, subject to conditions relating to the final appearance of the industrial building and restrictions in terms of artificial lighting, it is considered that there would be no adverse impacts on the surrounding landscape.

2.4 Parking provision comprises of seven spaces within the yard immediately adjacent to the new industrial building and a car park to the east with space for circa 40 vehicles, which is shared amongst the other industrial units on-site. No changes are proposed to the access arrangements and the Highway Authority have raised no objections to the anticipated modest increase in vehicle movements

3. SITE DESCRIPTION

3.1 The application site is located on the northern side of Potten End Hill and forms part of a wider industrial site known as Binghams Park Farm. The majority of the buildings within the industrial site are believed to be redundant dairy buildings which have been subsequently converted to commercial / industrial uses.

3.2 Access to the industrial estate (and the application site) is via Potten End Hill and then by way of internal access roads. The application currently comprises of an area of hardstanding and is used for the storage of shipping containers, parking and manoeuvring.

3.3 A children's nursery is located to the north-east and, although accessed by the same point from Potten End Hill, benefits from its own internal access road and car parking. To the north and the west are the residential dwellings of Bingham Park and Bingham's Park, the latter of which is Grade II listed and benefits from a separate access from Potten End Hill.

3.4 The northern and western boundaries of the application site are screened by substantial and mature trees, limiting views from the wider landscape.

4. PROPOSAL

4.1 Planning permission is sought for the construction of a detached industrial building comprising 3 units (each with flexible use within Use Classes E(g)(iii) / B8) with associated car parking, landscaping and other associated works.

5. PLANNING HISTORY

Planning Applications:

None relevant.

Appeals:

None relevant.

6. CONSTRAINTS

Area of Outstanding Natural Beauty: CAONB outside Dacorum
Article 4 Directions: Land at the South Side of Nettleden Road, Potten End
CIL Zone: CIL2
Green Belt: Policy: CS5
Parish: Great Gaddesden CP
RAF Halton and Chenies Zone: Red (10.7m)
Parking Standards: New Zone 3
EA Source Protection Zone: 2
EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2021)
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
CS5 - The Green Belt
CS8 – Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS14 – Economic Development
CS15 – Offices, Research, Industry, Storage and Distribution
CS24 – The Chilterns AONB
CS27 – Quality of Historic Environment
CS29 - Sustainable Design and Construction
CS35 – Developer Contributions

Local Plan

Policy 97 – The Chilterns Area of Outstanding Natural Beauty
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 113 – Exterior Lighting
Policy 119 – Development Affecting Listed Buildings

Supplementary Planning Guidance/Documents

Accessibility Zones for the Application of Car Parking Standards (2020)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The suitability of use class sought;
The impact on significance of heritage assets;
The impact on character and appearance of Chilterns AONB;
The impact on amenity of neighbours; and
The impact on highway safety and car parking;

Policy and Principle

9.2 The application is located within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.3 Policy CS5 of the Dacorum Core Strategy states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

9.4 Policy CS5 clarifies that the redevelopment of previously developed sites is acceptable provide that:

- i. It has no significant impact on the character and appearance of the countryside; and
- ii. It supports the rural economy and maintenance of the wider countryside.

9.5 Paragraph 149 of the National Planning Policy Framework (NPPF) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but then goes on to list a number of exceptions. Of relevance is paragraph 149 (g):

“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified”.*

9.6 Previously developed land is defined in Annex 2 (Glossary) of the NPPF as follows:

Previously developed land: *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

9.7 The land upon which the building is proposed to be constructed comprises of an area of hardstanding which forms part of the existing industrial park. Furthermore, even if the land were not hardstanding, any land which forms part of the curtilage of developed land falls to be considered as previously developed; and, as such, the land in question would also fall within this definition.

9.8 The site is therefore considered to be previously developed land as defined in the NPPF.

Whether Greater Impact on Openness of Green Belt

9.9 Paragraph 137 of the NPPF states that *‘the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.’*

9.10 In *Turner v Secretary of State for Communities and Local Government* EWCA Civ 466 [2016], the Court of Appeal held that:

‘The concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach suggested by [counsel]. The word ‘openness’ is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.’

9.11 In terms of the factors which can be taken into account when considering the potential impact of development on the openness of the Green Belt, the National Planning Practice Guidance (NPPG), drawing on principles established by the courts in site-specific circumstances, identifies a number of matters which may need to be taken into account when forming a judgement. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

9.12 The Turner case (referred to above) also gives useful guidance in terms of the synergy between spatial and visual impacts:

'The openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion does not mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there.'

9.13 In forming a view as to whether the proposed development would have a greater impact on the openness of the Green Belt, it is relevant to consider the current situation.

9.14 According to the Planning Statement, the existing on-site shipping containers have a cumulative area of approximately 150m² and a volume in the region of 385m³. The proposed building, by contrast, would have a footprint of approximately 250m², a maximum height of 6.5m and a volume of approximately 1,463m³.

9.15 While the figures quoted above are suggestive of a greater impact on the openness of the Green Belt, due regard needs to be had to the case of *Euro Garages Limited v Secretary of State for Communities and Local Government & Cheshire West and Chester Council* [2018] EWHC 1753 (Admin), where it was held that infilling will necessarily involve an increase in built form, and therefore the Planning Inspector had been in error to treat any change as having a greater impact on the openness of the Green Belt.

9.16 In essence, then, it is the openness of the Green Belt as a whole, not the openness of the Green Belt within a site itself, which needs to be taken into account when forming a view as to whether a proposed development would result in a greater impact.

9.17 The proposed industrial unit would result in an increase of 66.6% in footprint and 280% in respect of volume. It would be situated at the edge of the industrial park and surrounded by built form; that is to say, Bingham Park to the north, industrial units to east, the wider industrial estate to the south, and Bingham's Park Farm to the west. This notwithstanding, it is important to note that, unlike the industrial estate, Bingham's Park Farm and Bingham Park are not immediately adjacent to the proposed industrial unit; indeed, it is only when one studies a map that this loose spatial relationship becomes evident. Therefore, the positioning of a relatively substantial building at the very edge of the industrial estate would cause modest spatial harm to the openness of the Green Belt as a result of the increase in the level of sprawl, and exacerbated by the inescapable increase in upward built form.

9.18 In terms of the visual impacts, the proposed industrial unit would be higher than the existing industrial / commercial units within Bingham's Park Farm Business Centre, but, owing to its distance from the highway and the interposition of existing buildings and landscaping, it would not be perceived from Potten End Hill.

9.19 Glimpsed views of the building are likely to be possible to persons looking west from Public Footpath 62, at its junction with a farm access track, and possibly from further north through gaps in the tree line. Given the distances involved and the limited amount of development which would be visible, it is not considered that there would be any material harm to the visual openness of the Green Belt.

9.20 In summary, by virtue of the increase in bulk, mass and scale and its location at the edge of the developed area, the proposed development would spatially have a greater impact on the openness of the Green Belt than the existing development and result in the site appearing more developed. It therefore represents inappropriate development which is, by definition, harmful and should not be granted except in very special circumstances, contrary to Policy CS5 of the Dacorum Core Strategy and paragraph 149 of the NPPF.

Very Special Circumstances

9.21 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Moreover, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

9.22 There is no list of what constitutes a very special circumstance (VSC), as this will vary from site to site. However, very special circumstances do not in themselves have to be rare or uncommon (see *Wychavon District Council v Secretary of State for Communities and Local Government & Others* [2008]) and will depend on the overall balance (i.e. good vs bad).

9.23 The development would provide three commercial / industrial units with a floor area totalling approximately 460m². It is submitted by the agent that the provision of such units would result in tangible economic benefits.

9.24 In support of this view, the Planning Statement draws on the Council's Emerging Strategy for Growth (2021), the South West Hertfordshire Economic Study Update (2019) and the Employment Development Background Topic Paper (2020), all of which identify a lack of industrial floor space for SMEs within Dacorum. Relevant excerpts from the respective documents are provided below for ease of reference:

Industrial: there remains a substantial shortfall against Dacorum's indicative floorspace figure. There is also a severe shortage of land for small and medium sized firms. We consider that these factors constitute exceptional circumstances, justifying the release of some Green Belt land for industrial development.

- **The Emerging Strategy for Growth (2021)**

The business base is weighted heavily towards small to medium enterprises (SMEs). In total SMEs account for 99.6% of businesses and 50% of employment. The latter is significantly higher than the UK average (40%) meaning SMEs play a vital role in the South West Herts economy. Of these, roughly 90% are micro businesses, meaning they employ fewer than 10 employees.

- **South West Hertfordshire Economic Study Update**

There is also a lack of land for small scale industrial uses in Dacorum, Watford and Three Rivers. These authorities may wish to allocate additional sites to meet this need. Sites which may be suitable include the following Green Belt sites in Dacorum:

- *Dunsley Farm, Tring*
- *Land east of A41, Hemel Hempstead*
- *Bovingdon Brickworks*
- *Adjacent to A41 service area, Stoney Lane, Bourne End*

9.25 Paragraph 138 of the NPPF sets out the reasons for including land within the Green Belt:

- a) *to check the unrestricted sprawl of large built-up areas;*
- b) *to prevent neighbouring towns merging into one another;*
- c) *to assist in safeguarding the countryside from encroachment;*
- d) *to preserve the setting and special character of historic towns; and*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

9.26 An assessment against the five Green Belt purposes is set out below:

- The application site does not form part of a large built-up area.
- The proposal would not result in towns merging.
- The proposed development would be contained within the confines of an existing industrial / commercial site and thus would not result in encroachment into the countryside/
- The proposal is not in close proximity to an historic town.
- The proposal would make effective use of previously developed land, limiting the need for the use of undeveloped Green Belt land.

9.27 It has been established that the proposal would not conflict with the purposes of including land within the Green Belt but would have a greater impact on openness owing to modest spatial harm. It is clear, however, that the application site forms part of a reasonably large and established industrial estate that is, to a greater or lesser degree, contained on all sides. Visually, the development would have a very limited, if any, impact outside the confines of the site and consequently would not be injurious to the wider Green Belt, while any increase in built form would appear as a natural extension of the site.

9.28 It is submitted that moderate weight should be given to the economic benefits of providing light industrial floor space, which is noted in the Council's own local plan background documents as being in short supply.

9.29 It is noted, too, that Policies CS14 and CS15 include support for rural economic development and that aimed at small business.

9.30 For the reasons set out above, it is considered that the harm to the Green Belt is outweighed by other considerations. A final view as to whether this justifies the development cannot be made until the 'any other harm' referred to in paragraph 148 of the NPPF has been fully assessed during the course of this report. This is relevant in light of the Court of Appeal Judgement in *Secretary of State for Communities and Local Government v Redhill Aerodrome Ltd [2014] EWCA Civ 1386*, which confirmed that the interpretation given to 'any other harm' is such that it applies to any planning harm. Accordingly, a balancing exercise will take place at the conclusion of this report.

Suitability of Use Class Sought

9.31 The commercial units in question are proposed to have a flexible use; that is to say, either light industrial (Class E (g) (iii) or storage and distribution (B8). A general industrial (B2) use was originally proposed, but was removed from consideration as this use would effectively allow heavy industry to operate from the site, which would not be appropriate to the context.

Light Industrial

9.32 Use Class E (g) (iii) of the Town and Country Planning (Use Classes) Order 1987 (as amended) states the following:

Class E. Commercial, Business and Service

Use, or part use, for all or any of the following purposes—

...
...
...

g) for—

....
....

(iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

9.33 As such, in order to fall within the Class E (g) (iii), the use in question must be one which can be carried out in any residential area without causing harm to nearby properties.

9.34 For the avoidance of doubt, Article 2 of the Use Classes Order describes an industrial process as follows:

“industrial process” means a process for or incidental to any of the following purposes:—

- a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);*
- b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or*
- c) the getting, dressing or treatment of minerals;*

in the course of any trade or business other than agriculture, and other than a use carried out in or adjacent to a mine or quarry;

9.35 Whether a specific proposed use of would fall within Class E (g) (iii) involves a degree of subjectivity, with each particular case being a matter of fact and degree. The pertinent question, of course, is clear: is the industrial process one which can be carried on in residential area without detriment? Although this question points to the relevant issues which need to be considered, levels of harm caused by any number of different operations will vary according to location.

9.36 The fact that a use falls within a light industrial use does not preclude the imposition of planning conditions in the interest of protecting residential amenity. By way of example, the use of land for car valeting involves the use of pressure washers and vacuum cleaners, both of which are commonly used in domestic situations, with a fair proportion of the work – cleaning, waxing etc – being carried out by hand. This use could be carried out within a residential area without detriment, but only where adequate control is exercised by way of planning conditions (such as restrictions on operating hours etc).

9.37 Broadly speaking, uses that include manufacturing, packaging, repair and assembly could all fall within a light industrial use. Specifically, this could include a workshop where furniture is restored and repaired, metal working with lathes and other modest sized machinery, the production of pottery, food preparation with no sales to visiting members of the public etc.

9.38 Conversely, a car workshop would not constitute a light industrial use. Car workshops will include a relatively wide range of activities, some of which are quiet and others noisy. These noisy activities will likely include, but not necessarily be limited to, the use of compressors, air tools, sanders, grinders and hammers. The use could also include the revving of engines, and in the case of bodywork repairs, hammering and sanding. If undertaken within a residential area, these processes could result in a detrimental impact on residential amenity with regard to noise, fumes and smell. A car workshop would fall within Class B2 (General Industrial) of the Use Classes Order.

9.39 Levels of harm arising from light industrial uses will vary depending on location. Some residential areas will be more susceptible to noise and disturbance; others less so.

9.40 An important consideration in this instance is the fact that the industrial estate appears to operate with minimal, if any, disturbance to surrounding properties. Secondly, the degree of separation, coupled with the siting of the building, whose openings would not directly face any of the nearest residential dwellings.

9.41 It is acknowledged that the range of potential uses under Class E (g) (iii) is relatively broad, and that the potential issues for residential amenity could be similarly broad. Nonetheless, subject to suitably worded conditions, the site appears to have the potential to accommodate a further light industrial use.

Storage and Distribution

9.42 Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) states provides for the use of a site for storage or as a distribution centre.

9.43 It is understood that the some of the current uses on site operate in this manner, primarily dealing with online and telephone orders from customers, followed by dispatch. The storage of goods will undoubtedly necessitate vehicle movements from larger vehicles. However, there appears to be ample space on site for loading and unloading.

9.44 In summary, there is no reason to believe that the site could not accommodate vehicles associated with storage and distribution. A more detailed analysis will, however, be carried out in the parking section of this report.

Impact on Significance of Heritage Asset

9.45 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

9.46 Policy CS27 of the Dacorum Core Strategy is an overarching policy which seeks to ensure that the quality of the historic environment is maintained. In particular, it states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected conserved and, if appropriate, enhanced.

9.47 Policy 119 of the Dacorum Local Plan relates to development affecting listed buildings, and states that development likely to affect the character of an adjacent listed building is of an appropriate scale and appearance.

9.48 Annex 2 of the NPPF describes the setting of a heritage asset as follows:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

9.49 The nearest heritage asset to the site is the Grade II listed building at Bingham's Park to the west. The Planning Statement suggests that the significance of this listed building is derived from its architectural and historic interest. This is not disputed, though it is suggested that the large, spacious grounds are an important part of its setting and thereby adds to its significance.

9.50 The new building and the existing industrial park are located a considerable distance from the listed building and are not located within its curtilage. The implication is that there will be very limited, if any, incongruous juxtapositions between the historic listed building and the more considerably more modern industrial unit.

9.51 Noise from the new units is unlikely to be significant, being largely contained within the buildings themselves. Therefore, there is no reason to believe that noise from industrial processes will adversely affect how the heritage asset is experienced.

9.52 In accordance with the above, it is not considered that there would be any harm to the significance of the heritage asset or its setting as a result of this proposal.

Impact on Character and Appearance of Chilterns AONB

9.53 Section 85 of the Countryside and Rights of Way Act 2000 states that in exercising or performing any functions in relation to land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

9.54 Policy CS24 of the Dacorum Local Plan states that the special qualities of the Chilterns will be conserved, and that development is to have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan and support the principles set out within the Chilterns Building Design Guide.

9.55 Policy 97 of the Dacorum Local Plan advises that the prime planning consideration in the Chilterns AONB will be the conservation of the beauty of the area, although acknowledges that economic and social well-being of the area is also a factor to be taken into account. It further states that building, plant and structures must be sympathetically sited and designed, having regard to natural contours, landscape, planting and other buildings.

9.56 Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty.

9.57 The existing commercial units within the industrial estate comprise of redundant dairy buildings which have been converted / repurposed. By contrast, the proposal would be a purpose-built building for either a light industrial or storage and distribution use.

9.58 The proposed building would be located to the rear of the industrial estate and screened by trees to the north and west, all of which are to be retained. Furthermore, its height (6.5m) is such that, although potentially visible from the public footpath to the north, it would not be conspicuous within the landscape. In terms of materiality, the elevations indicate that the exterior of the building is to be clad in a mixture of grey and olive green metal sheeting, thereby assisting in its integration with the more rural landscape outside the application site. The side elevations are indicated as comprising of

a mixture of metal sheeting and concrete panels. It is considered, however, that brick would be a more appropriate material for the following reasons:

- The other buildings within the site incorporate large amounts of brick; and
- Although not visible from the wider landscape, the application site is still located within the AONB, where the use of traditional materials is commonplace.

9.59 Subject to the above condition, it is not considered that the proposal would result in any harm to the Chilterns AONB, while also contributing to its economic vitality.

9.60 No floodlighting is presently proposed, yet is acknowledged that such an installation could adversely affect the character of the Chilterns. Consequently, should Members be minded to grant planning permission, it is recommended that a condition requiring details of floodlighting should be submitted to and approved in writing by the local planning authority prior to installation and operation.

9.61 The proposal is therefore in accordance with Policy CS24 of the Dacorum Core Strategy and Policy 97 of the Dacorum Local Plan. Due consideration has also been given to the Council's duties pursuant to section 85 of the Countryside and Rights of Way Act 2000, which it is appreciated is a higher duty. In summary, it is considered that the development proposed would conserve the Chilterns AONB.

Impact on Amenity of Neighbours

9.62 Policy CS12 of the Dacorum Core Strategy states that development should, inter alia, avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.63 As outlined earlier in this report (see *Suitability of Use Class Sought*), it is submitted that the uses for which permission is sought are, subject to the inclusion of conditions, compatible with the surrounding residential nature of the area. The heavy industrial Class B2 use originally proposed was not considered to be compatible with the surrounding area and no longer forms part of the proposal.

9.64 Turning firstly to the potential impact on 'Bingham's Park', to the west of the site, it is noted that the nearest building within its demise is a triple garage (approved under 4/00963/06/FHA) with small attached garden store. Planning records indicate that it does not contain any habitable accommodation. A further building – located almost adjacent to the garage – comprises of a stable building granted consent by planning application 4/02027/08/FUL. As the use suggests, the building is not designed or used for human habitation. Accordingly, neither building is likely to be adversely affected by the construction of the proposed industrial building.

9.65 The nearest façade of the main dwelling of Bingham's Park is located approximately 70m away from the proposed location of the industrial building. In addition, all openings of the industrial building would face away from the dwelling, reducing the potential for noise and disturbance. No windows are proposed in the rear elevation of the building and thus there would be no overlooking to speak of.

9.66 The above notwithstanding, in the interests of residential amenity it would be appropriate to include conditions limiting operating hours and requiring any floodlighting, should it be required, to be agreed by the Council prior to its installation and operation.

9.67 'Bingham Park' is located to the north of the application site, screened by existing trees and located approximately 24m away. Due to the strong boundary screening, there is no intervisibility between the respective sites. Even if this were not the case, it is not considered the proposed industrial unit would be harmful to daylight and sunlight levels of the dwelling, nor would there be any

significant visual intrusion (owing to the distance and the fact that the full width of the building would not be evident due to the end-on relationship).

9.68 In summary, it is considered that the development would comply with Policy CS12 of the Dacorum Core Strategy.

Highway Safety and Parking

Highway Safety

9.69 Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon, inter alia:

- the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; and
- the environmental and safety implications of the traffic generated by the development.

9.70 Policy CS12 of the Dacorum Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.

It is acknowledged that the proposed industrial building will give rise to an increase in traffic movements. However, given its relatively modest scale, it is not considered that this would have a material impact on the local highway network. The Highway Authority have been consulted as part of this application and concur with this view.

9.71 The existing arrangements into the site from Potten End Hill are to remain unchanged and, according to the Highway Authority, the *'existing access has no recorded accidents associated with it within the past 5 years.'*

9.72 The yard to serve the new industrial building appears to have sufficient space for vehicles – both large and small – to manoeuvre and exit the site in a forward gear. The situation is less clear when it comes to articulated vehicles, and although the applicant has informally advised that he does not, and will not, allow articulated vehicles to enter the site, this does not provide a sufficient degree of certainty: ownership of the site can change, financial considerations may dictate a different approach etc. In light of this it is considered prudent to include a condition which specifically prohibits articulated vehicles from servicing the new units. This condition can, of course, be reviewed in the future if sufficient evidence is provided to satisfy the Council that such vehicles could carry out the required manoeuvres and safely exit the site.

Parking

9.73 The approach for parking provision in respect of commercial uses broadly follows that applied for residential development; that is to say, the appropriate use is identified and the parking provision calculated based on Appendix A of the Parking Standards SPD.

9.74 As permission is sought for a flexible use, consideration has been given to the parking required by both uses.

9.75 Appendix A states that B8 uses require 1 space per 75m² (GEA) and Class E (g) (iii) require 1 space per 35m² (GEA). On this basis, the B8 use would give rise to a parking requirement of seven spaces (6.6 rounded up), while the Class E use would give rise to a parking requirement of 14 spaces (14.28 rounded down).

9.76 The parking provision on-site comprises of two distinct areas:

- The yard immediately outside the proposed building; and
- A substantial car park to the east.

9.77 Drawing no. V21-161-SP01 (Rev. A) indicates that the yard would contain seven parking spaces, one motorcycle bay and cycle parking. The car park to the east, meanwhile, is capable of accommodating approximately 40 vehicles. The latter is for the sole use of the industrial tenants and does not appear to operate at anywhere near its overall capacity.

9.78 As a result, it is submitted that the level of parking is sufficient for the development proposed and complies with Policies CS8 and CS12 of the Dacorum Core Strategy and the Parking Standards SPD.

Electric Vehicle Charging

9.79 The EV charging provision requirements for planning purposes are set out in Table 1 on page 32 of the Parking Standards SPD, an extract of which has been provided below for ease of reference:

Land use	Provision	Type of Charger (minimum)	Power Supply
Commercial Development (Offices / Employment Retail / Leisure Uses) B8 and C1 and former Use Classes B1,B2, D1, D2, A1, A2-A5, now Use Classes E, F1, F2 and Sui Generis as appropriate	1 active charging point per 5 parking spaces provided, 20-30% of all remaining parking spaces to have passive provision (as specified in SPD standards table Appendix A)	1 active charging point per 5 parking spaces provided, 20-30% of all remaining parking spaces to have passive provision (as specified in SPD standards table Appendix A)	230v AC 32 Amp Single Phase dedicated supply Rapid chargers 400v AC 100Amp Triple Phase dedicated supply 230v AC 32 Amp Single Phase dedicated supply

9.80 The provision of seven new parking spaces in the yard area means that one EV charger should be provided. However, drawing no. V21-161-SP01 (Rev. A) indicates that two EV chargers are to be provided, thereby exceeding the requirements of the SPD.

9.81 There is a further requirement that 20 – 30% of all remaining parking spaces have passive EV provision.

9.82 Passive provision is defined in the SPD as follows:

Passive provision for electric vehicles: the network of cables and power supply necessary so that at a future date a socket can be added easily. It is significantly cheaper and less disruptive to install the underlying infrastructure for EV charge points during construction than to retrofit later.

9.83 As there is already an overprovision of active chargers, it is appropriate to calculate the passive provision based on five spaces instead of six. This would give a requirement of between one and two spaces.

9.84 The required level of detail required can be reserved by condition.

Other Material Considerations

Land Contamination

9.85 The Council's Scientific Officer has been consulted and advised that informatives be included with any grant of planning permission.

Fire Safety

9.86 The County Council have requested the provision and installation of fire hydrants at no cost. This is considered reasonable and a condition requiring this will be included with any grant of planning permission should it be forthcoming.

Flood Risk

9.87 The application site is located within Flood Zone 1 wherein the risk of flooding from rivers and sea is low, nor has the area been identified as having critical drainage issues. Accordingly, there is no requirement to consult the Environment Agency and no reason to believe that the development would be subject to flooding or cause flooding elsewhere within the locality.

Refuse and Recycling Collection

9.88 An area of approximately 12m² is shown as being set aside for the storage of refuse and recycling bins. This is considered to be acceptable.

Trees and Landscaping

9.89 An Arboricultural Impact Assessment (AIA) was submitted during the course of the application following a request from the case officer. This request was made in light of the proximity of mature trees to the proposed industrial building.

9.90 The summary of the report states the following:

The proposals are within influencing distance of several trees and so some basic tree protection measures and working methodology (in accordance with BS 5837:2012) will ensure they are not detrimentally affected during works.

The relationship between the proposal and trees is sustainable and will not result in any unreasonable pressure to carry out inappropriate tree works.

If the proposal is implemented in accordance with the recommendations laid out in this report, neither the trees or wider landscape will be adversely affected.

This is an arboriculturally defensible scheme and there are no (arboricultural) reasons why planning consent should not be granted.

9.91 The proposed building would encroach into the root protection areas (RPAs) of the trees indicated on drawing no. TH/A3/3499/TPP within Appendix 9 of the Arboricultural report. In order to mitigate any potential impact and allow room for root growth post-construction, non-invasive foundations (such as pile and beam) are to be utilised. Ground protection will also avoid compaction of soil.

9.92 It is considered that the Arboricultural Impact Assessment and Method Statement provide the requisite level of certainty that the nearby trees would be afforded the appropriate protection during the construction process. It is recommended that a condition requiring full compliance with the AIA and Method Statement be included should Members be minded to approve the application.

Chiltern Beechwoods Special Area of Conservation

9.93 Following a letter from Natural England on the 14th March and publication of the Footprint Ecology Report, the Council is unable to grant permission for planning applications which result in a net gain of dwellings located within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC) until an appropriate assessment of the scheme can be undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.

9.94 The Council is working with Natural England and other relevant partners to agree a mitigation strategy and, once adopted, this will enable the Council to carry out their legal duties and grant residential development in the Borough. Once adopted, the mitigation strategy is likely to require financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

9.95 It is not considered that the proposed development would cause additional recreational pressure on the CBSAC and therefore there is no requirement for financial contributions or any other action by the applicant in this regard.

Community Infrastructure Levy (CIL)

9.96 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. This application is CIL liable.

10. CONCLUSION

10.1 The Government attaches great importance to Green Belts. Paragraph 148 of the NPPF states that substantial weight should be given to any harm to the Green Belt.

10.2 As no other planning harm has been identified, the conclusion reached in the *Very Special Circumstances* section (above) remains valid: It is considered that the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is outweighed by the economic benefits which would accrue from the proposed development. It is submitted, therefore, that the very special circumstances to justify the development exist.

10.3 Consideration has been given to the impact on the Chilterns AONB and, subject to conditions relating to the final appearance of the industrial building and restrictions in terms of artificial lighting, it is considered that there would be no adverse impacts on the surrounding landscape.

10.4 A condition restricting the hours of operation will ensure that the residential amenity of neighbouring dwellings is afforded adequate protection.

10.5 Parking provision comprises of seven spaces within the yard immediately adjacent to the new industrial building and a car park to the east with space for circa 40 vehicles, which is shared amongst the other industrial units on-site. The car park does not appear to be anywhere near capacity and therefore it is considered that there is sufficient parking to serve the development. No changes are proposed to the access arrangements and the Highway Authority have raised no objections to the anticipated modest increase in vehicle movements.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to conditions.

Condition(s) and Reason(s):

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:**

V21-161-SPL04_B Proposed Site Block Plan
V21-161-SP01_B Proposed Site Layout Plan

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

3. **Notwithstanding the details shown on drawing no. V21-161-P01 (Rev. A), no development above slab level shall commence until details of a scheme to replace the precast concrete panels on the side elevations of the building with brick / brick cladding has been submitted to and approved in writing by the local planning authority. The scheme shall visually illustrate the extent of the brickwork and provide the specifications for the brick (i.e. manufacturer and type). Development shall be carried out in accordance with the approved details.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the Chilterns Area of Outstanding Natural Beauty, in accordance with Policies CS11, CS12 and CS24 of the Dacorum Core Strategy (2013) and Policy 97 of the Dacorum Local Plan (2004).

4. **The building(s) hereby approved shall at no time be serviced by articulated vehicles.**

Reason: In the interests of highway safety, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

5. **No development above slab level shall take place until details of fire hydrants or other measures to protect the development from fire have been submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details.**

Reason: To ensure that sufficient strategic infrastructure is provided to support the development, and to ensure a safe and satisfactory means of access for the fire service, in accordance with Policies CS12 and CS35 of the Dacorum Core Strategy (2013).

6. **No security lighting / floodlighting / artificial lighting shall be installed on the building(s) hereby approved until a lighting scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include, but not**

be limited to, lux levels, cowls and other measures to avoid unnecessary light spillage.

The lighting shall thereafter be installed, operated and maintained in accordance with the approved particulars.

Reason: To avoid adverse impacts on the Chilterns AONB, the dark sky environment and the amenity of nearby residential uses, in accordance with Policies CS12 and CS24 of the Dacorum Core Strategy (2013) and Policies 97 and 113 of the Dacorum Local Plan (2004).

7. **The development hereby approved shall only be used for purposes falling within Use Class B8 or E (g) (iii) of the Town and Country Planning (Use Classes) Order 1987 (as amended).**

Reason: To ensure that the commercial units remain available for the purpose for which they were justified on Green Belt grounds, in accordance with paragraph 148 of the NPPF (2021).

8. **The development hereby approved shall be carried out fully in accordance with the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan prepared by Trevor Heaps Arboricultural Consultancy Ltd (dated 19th July 2022).**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

9. **Notwithstanding the details shown on drawing no. V21-161-SP01, prior to occupation of the development hereby approved, full details of the layout, siting and specification of Electric Vehicle Charging Points and any associated infrastructure (including passive charging provision) shall be submitted to and approved in writing by the local planning authority.**

The development shall not be occupied until these measures have been provided in accordance with the approved details.

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

10. **The Class B8 / E (g) (iii) use hereby permitted shall not take place other than between the hours of:**

- (a) 07:30 - 18:00 Monday to Friday.**
- (b) 08:00 - 17:00 on Saturdays.**
- (c) 08:00 - 13:00 on Sundays.**

Reason: To protect the residential amenities of the locality in accordance with to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

Informatives:

1. Contaminated Land Informative 1:

In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.

Contaminated Land Informative 2:

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

2. Highway Informatives

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

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

3. Water quality

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (PICC). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	Recommendation 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.

Highway Informatives

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

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

The proposal is for the construction of a detached industrial building

	<p>comprising 3 units (each with flexible use within Use Classes E(g)(iii) / B2 / B8) with associated car parking, landscaping and other associated works at Bingham's Park Farm, Potten End Hill, Water End. Potten End Hill is 60 mph classified C local distributor route that is highway maintainable at public expense.</p> <p>Highways Matters</p> <p>The site is currently housing storage containers with an existing industrial site to the south of the proposed area. The site is surrounded by a few dwellings with one of the dwellings being under the ownership of the applicant for the proposed site. The proposed industrial units will be separated from the existing industrial area but will be accessed via the same route from the adopted highway network. The site will be accessed via an existing large bell mouth onto Potten End Hill. The existing access has no recorded accidents associated with it within the past 5 years. The number of trips to and from the site will slightly increase but not to a level that is considered to be an intensification of use for the existing access. Vehicles are deemed to be able to turn on site which is required considering the classification of the adjacent highway network. Parking is a matter for the Local Planning Authority and therefore any parking arrangements will need to be agreed by them. HCC Highways is pleased to see the inclusion of secure cycle parking and electric vehicle parking.</p> <p>Conclusion</p> <p>HCC Highways would not wish to restrict a grant of permission for the site subject to the inclusion of the above informatives.</p>
<p>Great Gaddesden Parish Council</p>	<p>Object</p> <p>The Parish Council is mindful of the need to encourage the rural economy and small and medium sized businesses.</p> <p>However this site is in the AONB and Green Belt. The Council is not convinced that a sufficiently strong case has been made that the existing fixed surface comprises previously developed land and therefore it considers that the proposed development is inappropriate under s 149 of the NPPF.</p> <p>The argument for it being limited infilling appears to rest on the assumption that this represents a redevelopment which the Council doesn't accept. It is in any event clearly an extension of the current industrial estate and therefore couldn't be regarded as infill.</p>

	<p>The Council is concerned that the existence of temporary containers is being used to justify a permanent development. It also notes that the containers which don't appear to be stacked and so must be in the region of c. 3m high and covering an unspecified area are being used to justify a permanent structure which will be 6.5m high with a 250sq m footprint and clearly represents an increase in mass.</p> <p>The impact on traffic is summarily dismissed but as there is no public transport new development of this nature must increase traffic. Potten End Hill is already a very busy road and any increase in traffic is to be avoided wherever possible.</p>
Thames Water	<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>The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at https://www.gov.uk/government/publications/groundwater-protection-position-statements) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development</p>

doesn't limit repair or maintenance activities, 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://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

waste comments:

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-developments/planning-your-development/working-near-our-pipes>

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, 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://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

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.

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.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure

	<p>capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>water comments:</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>
<p>Affinity Water - Three Valleys Water PLC</p>	<p>Water quality</p> <p>You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (PICC). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.</p> <p>The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.</p> <p>Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.</p> <p>For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".</p> <p>Water efficiency</p> <p>Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.</p> <p>Infrastructure connections and diversions</p> <p>There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (https://affinitywater.custhelp.com/) or</p>

	<p>aw_developerservices@custhelp.com.</p> <p>To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (https://affinitywater.custhelp.com/) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.</p>
Environmental And Community Protection (DBC)	<p>Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>However, it is recommended that the following informatives are included on any permission that is granted.</p> <p>Contaminated Land Informative 1: In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p>
Hertfordshire Highways (HCC)	<p>This case will require a condition for the provision and installation of hydrants, at no cost to the county council or fire and rescue services. This is to ensure all proposed units have sufficient water supplies available for use in the event of an emergency.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
23	2	1	1	0

Neighbour Responses

Address	Comments
Dacorum Borough Council, Cupid Green Depot Redbourn Road Hemel Hempstead hp2 7ba	Each unit should have its own waste provision and as a minimum each should have storage place large enough to store 1 x 1100ltr container for residual waste, 1 x 1100ltr container for comingled recycling and 1 wheeled bin for food waste. There should be no steps between the storage area and the collection vehicle which is a 26ton rigid freighter.
The White House Potten End Hill Water End Hemel Hempstead Hertfordshire HP1 3BN	This is in the Green Belt. Extra industrial units are not required in the green belt.