

Item: 5b

22/00353/MFA	Proposed Electric Vehicle (EV) Charging Station and Cafe	
Site Address:	Land at Kings Langley Service Station and adjoining Hempstead Road, Kings Langley	
Applicant/Agent	The Park Garage Group Plc/Simply Planning Ltd	
Case Officer:	Robert Freeman	
Parish/Ward:	Kings Langley	Kings Langley
Referral to Committee:	The application is referred to the Development Management Committee due to the contrary recommendation of the Parish Council and at the request of Cllr Anderson. Cllr Anderson considers the proposals to constitute inappropriate development in the Green Belt resulting in significant harm to the openness of the Green Belt in this location and leading to the coalescence of Hemel Hempstead and Kings Langley.	

1. RECOMMENDATION

- 1.1 That planning permission be **GRANTED**

2. SUMMARY

- 2.1 The building associated with the EV charging hub would not comprise local transport infrastructure and as such would be inappropriate development in the Green Belt as set out in the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy.
- 2.2 The building would result in moderate harm to the open character and appearance of the Green Belt contrary to the NPPF and Policy CS5 of the Core Strategy. The proposals are otherwise acceptable in accordance with Policies CS8, CS12, CS26, CS27 and CS29 of the Core Strategy.
- 2.3 The economic and environmental benefits associated with the development would constitute very special circumstances and would outweigh the harm to the Green Belt.

3. SITE DESCRIPTION

- 3.1 The application site comprises a triangular plot of land located on the eastern side of the A4251 (Hempstead Road) and to the south of the Texaco petrol filling station, Kings Langley. The site is located between the A4251 (Hempstead Road) and the mainline railway between London Euston and Birmingham.
- 3.2 At the northern end of the site is an existing Texaco petrol filling station incorporating a car wash and 24 hour convenience store and beyond this site is a small commercial premises formerly occupied by Chiswell Pools. The site is opposite the grade II listed former Eagle public house and hotel and there are a number of detached residential properties to both the south and west of the site.
- 3.3 The site is accessible from two vehicular access points from Hempstead Road including those serving the existing petrol filling station. An area of hard standing at the northern end of the site is also accessible from Hempstead Road and is understood to have been unlawfully utilised by the pub opposite the site as car parking for its patrons. This has long ceased to be used for this purpose.

4. BACKGROUND

- 4.1 The application follows the earlier submission of a request for pre-application advice in relation to the site (20/04034/PREB) Under this pre-application officers were asked to consider the planning merits of a scheme for an EV Charging hub and café providing 22 charging points and 20 affordable housing units.
- 4.2 The current application was submitted in February 2022 and included the provision of a scheme for 10 residential units in addition to the proposed EV Charging hub. The residential elements of the scheme have been removed given the clear conflict with Green Belt policy and other planning concerns with the proposal.

5. PLANNING HISTORY

- 5.1 Planning permission has previously been refused for the use of the hard standing opposite the Eagle public house for the stationing of a fast food van, hand car wash and sale of motor vehicles (4/00722/15/FUL) The officer in this case concluded that the mix of land uses constituted inappropriate development in the Green Belt and also resulted in a significant loss in open character thereto. There was little information in relation to access to the site and no very special circumstances submitted in support of the development.

6. PROPOSALS

- 6.1 The current application extends solely to the construction of the EV Charging Hub and associated works. Proposals for residential development on a wider site have been removed from this scheme.
- 6.2 The EV Charging Station would provide 30 EV charging spaces and 10 EV charging cycle spaces around a central hub building. The hub building would have a simple rectangle plan form and would contain a lounge and dining/cafe area together with a small retail area. The overall scale of the proposed hub building has been reduced through a reduction in the café and lounge area removing approximately 20% of the seating capacity.
- 6.3 The building would be single storey with a low profile roof extending to some 4.1m in height. The building will be finished in a combination of materials including, aluminium glazed walls, buff and white stock facing brickwork, a feature zinc clad main entrance and a green pre-patinated copper roof. Timber columns would support to the main roof.
- 6.4 Vehicular access and egress to the site will be taken from Hempstead Road as per the existing service station with the crossovers altered/upgraded to reflect the intended use of the site.

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

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 – Selection of Development Sites
CS5 – Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of Public Realm
CS14 – Economic Development
CS16 – Shops and Commerce
CS25 – Landscape Character
CS26 – Green Infrastructure
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
Kings Langley Place Strategy
CS35 – Infrastructure and Developer Contributions.

Saved Policies

Policy 51 – Development and Transport Impacts
Policy 56 – Roadside Services
Policy 62 – Cyclists
Policy 99 – Preservation of Trees, Hedgerows and Woodland

Supplementary Planning Guidance/Documents:

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

8 CONSIDERATIONS

Policy and Principle

- 8.1 The application site is located in the Green Belt where the local authority should regard the construction of new buildings as inappropriate development in accordance with paragraph 149 of the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy. There are a limited number of exceptions made at paragraphs 149 and 150 of the NPPF. The applicant's submission highlights that the following exceptions are supportive of the proposals: paragraph 149 g) limited infilling or the partial or complete redevelopment of previously developed land which would: - not have a greater impact on the openness of the Green Belt or not cause substantial harm to the openness of the Green Belt and paragraph 150 c) local transport infrastructure that can demonstrate a requirement for a Green Belt location.

- 8.2 With regard to the exception at paragraph 149 g), it is noted that the land subject to this application comprises land which has historically been used as a hard standing and overflow parking area by the Eagle public house on the opposite side of Hempstead Road. There were however a number of planning enforcement cases regarding this use. The area of hard standing appears to have been provided without planning permission and measures to restore the site to its original condition have been, to some extent, implemented. In this context, I do not consider a large proportion of the site comprises previously developed land as set out in Annex 2 of the NPPF. Furthermore the proposals would introduce an element of built form upon the site and as such cannot be considered as having a lesser impact on the more open character and appearance of the Green Belt in this location. For these reasons, the proposals would not be an exception under paragraph 149 g) of the NPPF.
- 8.3 Paragraph 150 of the NPPF also indicates that other forms of development may be considered acceptable if they preserve the open character and appearance of the Green Belt and do not conflict with the purposes of Green Belt Policy. One such example is local transport infrastructure which can demonstrate a requirement for a Green Belt location¹
- 8.4 Although there is no definition of 'local transport Infrastructure' within the NPPF there appears to be a coherent argument to conclude that the EV charging facilities would fall within the scope of 'local transport Infrastructure' given the increased reliance on EV and zero carbon forms of transport and the overriding sustainability objectives of the Government. However the additional facilities such as the associated café/hub fall would not fall within the definition of local transport infrastructure and given the implications for the openness of the Green Belt this must be considered to be inappropriate development in the Green Belt.

The Siting of EV Charging Facilities

- 8.5 There is currently no strategic strategy for Hertfordshire and its immediate environs regarding the delivery of a network of EV charging locations, which would contribute to both a cleaner, greener transport network and the economic well-being of the Borough. EV charging facilities therefore tend to be limited to private householders (where available), new housing and commercial development (as per policy), private businesses and a small number of public charging locations.
- 8.6 Such provision is acknowledge to be inadequate for the rising trend in EV vehicle use and is not reflective of the alternative petrol filling station provision.
- 8.7 Paragraph 150 of the NPPF requires a sequential approach to the selection of sites for local transport infrastructure. These will only be acceptable forms of development in the Green Belt, if there are no other non-Green Belt locations. The selection of sites, in my opinion, for EV charging hubs should consider the accessibility of a site to the strategic road transport network. Whilst I accept that this is not strictly necessary for this facility to be located in the Green Belt, it is inevitable if a strong EV charging network is to be established. The application site is well located in relation to the strategic highway network being on the A4251 (Hempstead Road) and within relative close proximity to both the M25 and M1. Paragraph 150 also

¹ Paragraph 150 c) of the National Planning Policy Framework (2021)

Impact on the Green Belt

- 8.8 The primary planning objective in the Green Belt is to protect the openness and character of the Green Belt in accordance with the NPPF and Policy CS5 of the Core Strategy.
- 8.9 The Green Belt also serves the five purposes as set out in paragraph 138 of the NPPF. These purposes are:
- 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.
- 8.10 Openness, as set out in *Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466*, is open-textured such that a number of factors are capable of being relevant to the concept of openness. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications.
- 8.11 The application site is fairly urban in nature comprising a number of hard standing areas adjacent to the existing petrol filling station and opposite nos 129 and 129a Hempstead Road and the Eagle public house. The site is a gap in a ribbon of development extending from the junction with Rucklers Lane and Red Lion Lane and including on its eastern side 118 and 120 Hempstead Road to the south of the site. There is a cluster of commercial buildings to the north of the site and opposite Abbots Rise² adjacent to which the hub building would be located. This area of open land is constrained by built development to the north and by important transport corridors to the east and west including the elevated mainline railway to the rear (west) of the site. The existing area of hard standing has a limited impact on the open character of the green belt in both visual and spatial terms.
- 8.12 In contrast the proposals would introduce a new building on an area of open land adjacent to the existing Texaco petrol filling station. The hub building would be a low profile, contemporary building which would be heavily glazed on three elevations (north, east and west) Whilst the intention is to provide a transparent lightweight building which would not detract from the overall appearance and openness of the Green Belt, the introduction of a building in an area that is currently open (except for hard standing) will clearly reduce the spatial characteristic of openness in this location. Even if the visual impact and harm to the visual amenities of the Green Belt is limited by the scale of the building, its use of materials, its transparency and its context, there is still harm to the open character thereto.
- 8.13 The harm to the aims and objectives of Green Belt policy is more limited. The building results in a modest loss of open land and encroaches on the countryside between the site and Nos.118 and 120, however this would be largely contained to the area of hard standing in this location. The land is part of a wider land parcel separating the town of Hemel Hempstead from Kings Langley. The majority of the open land beyond this area would be retained and the proposals would not significantly intrude on the strategic open space between built development at Abbots Rise/Barnes Rise and the Eagle public house and Coniston Road at the edge of Kings Langley village. The proposals do not undermine the ability of Green Belt land to prevent the coalescence of the settlements of Kings Langley and Hemel Hempstead nor the setting of these towns.

² These are currently subject to an application for residential development.

- 8.14 I do not considered that the proposals would undermine the regeneration of urban land. Such sites are unlikely to be available to the applicant on the open market nor viable for the intended use. Furthermore, the scale of commercial use proposed is unlikely to impact on viability of other commercial operations in urban locations and as such is not considered to prejudice the use of urban sites.

The Need for EV Charging Stations and their role as Local Transport Infrastructure

- 8.15 The Government published “Taking Charge: the electric vehicle infrastructure strategy” in March 2022 and within it set out a number of challenges to address in relation to the role that road transport has in reducing carbon emissions. This report identified that EV infrastructure was the biggest challenge to the decarbonisation of transport and provided a commitment to remove charging infrastructure as both a perceived and a real barrier to the adoption of electric vehicles by 2030.
- 8.16 The EV Infrastructure Strategy sets out the local authorities have a significant role to play in the delivery of a network of EV charging facilities both through the use of their own infrastructure, the application of planning policies and alterations to street furniture.
- 8.17 This strategy builds upon the statements in ‘The Road to Zero; Next steps towards cleaner road transport and delivering our Industrial Strategy’ (2018) in which a key objectives of Government was to support the development of “one of the best electric vehicle infrastructure networks in the world” ‘According to ‘The Road to Zero’ transport is the largest sector for greenhouse gas emissions in the UK (27%) of which road transport accounts for over 90%. The Government subsequently to this document supported this transition through a number of funding schemes to accelerate the delivery of supporting infrastructure including the Local Electric Vehicle Infrastructure (LEVI) fund, the On-Street Residential Charge point Scheme (ORCS), Workplace Charging Scheme (WCS) and Rapid Charging Fund. In some cases, these schemes are still operational and have been supported through recent budget announcements.
- 8.18 Transitioning from petrol and diesel cars to electric vehicles is key to reducing emissions and meeting Net Zero. The sale of new petrol and diesel cars will cease from 2030 with the intention that all new cars and vans will have zero emissions at the tailpipe by 2035. For this to happen it is essential that there is a comprehensive and competitive EV charging network that people can trust and are confident using. Although petrol filling stations continue to play an important role in the short to medium term, it is evident that the transition should enable choice for those utilising other vehicles.

The Hub

- 8.19 The provision of a café, lounge and retail area associated with the EV Charging Station would not neatly within a narrow definition of local transport infrastructure however it is clear that such facilities might be necessary in order to successfully operate the EV facility in this location. In these circumstances, it has been necessary for the applicants to demonstrate that Very Special Circumstances exist to outweigh the harm to the Green Belt in this case.
- 8.20 The Research report ‘*Public Electric Vehicle Charging Infrastructure – Deliberate and quantitative research for drivers without access to off-street parking*’ (February 2022)³ indicated that both non EV drivers and those with Battery Electric Vehicles (BEV) have difficulties with the speed of charging at destinations (such as supermarkets) with most assuming that they would need to spend a considerable amount of time to fully charge the

³ This report was produced by Britainthinks and the Department for Transport.

vehicle. Even if rapid chargers were available, the time taken to charge would be significantly longer than undertaking a visit to the petrol filling station and is considered to be an inconvenience and barrier to EV use. The option of a faster 'top up' was rarely considered by respondents to this research despite such visits being commonplace at the petrol alternative; primarily given a lack of knowledge in relation to EV/BEV and/or concerns with availability of EV charging stations. It is therefore likely that visitors to the proposed EV charging facility would spend between 20 to 60 minutes at the site.

- 8.21 The Hub building is considered fundamental to the functioning of the EV Charging hub, providing a space for users to dwell for a significant period of time whilst vehicles are charging. The need for such facilities are recognised in Saved Policy 56 of the Dacorum Borough Local Plan 1991-2011 which identifies that essential roadside services (fuel, basic refreshments and parking) may be permitted outside of towns and large villages.
- 8.22 It is considered that the building would be a catalyst to the use of the EV Charging facility allaying concerns with regards to the inconvenience of vehicle charging and supporting the movement towards the use of EV. The hub would encourage the use of alternative means of transport to the petrol vehicular transport, supporting the sustainable transport agenda. The proposals would also support economic growth in accordance with Policies CS14 and CS16 of the Core Strategy. These factors are considered to constitute very special circumstances and would clearly outweigh the limited harm to the Green Belt identified below.

Layout and Design

- 8.23 The proposed development would utilise existing vehicular crossovers associated with the petrol filling station upgraded to allow the building to be access and service independently to the petrol filling station. A number of EV charging points would be located around the centralised hub building. The site would be landscaped with an external seating area provided adjacent the northern boundary of the site. The layout of the proposed development is considered to be acceptable in the context of Policies CS8 and CS12 of the Core Strategy creating an environment that is safe to access.
- 8.24 The creation of high quality and sustainable buildings is a fundamental output for the planning system as set out in the NPPF and Policies CS11, CS12 and CS13 of the Core Strategy.
- 8.25 The footprint of the proposed building has been amended through the course of the application and the resulting building would be similar in scale and height to the adjacent petrol filling station. This low profile and heavily glazed contemporary building has been carefully design so as to limit any visual intrusion. The roof form and canopy are deliberately designed to allow for the siting of solar energy panels upon the roofscape and shading of glazed elements of the building. The canopy is important allowing the building to be heavily glazed in the interests of openness whilst limiting over heating in summer months. The supporting columns, in timber, break up the overall mass of the building.
- 8.26 The resulting building is considered to be acceptable in terms of its overall design, scale, height, bulk and use of materials in accordance with Policies CS11 and CS12 of the Core Strategy. It would not detract significantly from the visual amenity of the area in accordance with policies CS12 and CS13 of the Core Strategy.

Impact on Heritage Assets

- 8.27 The Planning (Listed Building and Conservation Areas Act 1990, Sections 16 and 66 require LPAs to have special regard to the desirability of preserving historic buildings and

their settings. Special regard must be given by the decision maker, in the exercise of planning functions, to the desirability of preserving (i.e. keeping of harm) listed buildings and their setting.

- 8.28 Policy CS27 of the Dacorum Core Strategy seeks to ensure that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced, with development positively conserving and enhancing the appearance and character of the Conservation Areas.
- 8.29 The application site is located on the opposite side of the road to the grade II listed, Eagle Public House. Although hard standing on the application site, has historically been utilised by the pub for car parking, it has no historical connection with the pub and does not form part of its historic setting. The proposals would have no impact on the historic setting, character and appearance of this building in accordance with the NPPF and Policy CS27 of the Core Strategy.

Residential Amenity

- 8.30 The proposed development is not considered to be detrimental to the residential amenities of nearby properties given its siting and design in accordance with Policy CS12 and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.31 The proposed building would be located on the opposite side of Hempstead Road to nearby residential properties and a significant distance from the front elevations to these units. The provision of landscaping to western boundary of the site and separation distances between residents and the hub building should be sufficient to ensure that there is no significant loss of privacy to residents as a result of the café/hub building.
- 8.32 The EV charging stations themselves are understood to generate limited noise and this is unlikely this will be perceived against the background noise of the A4251 (Hempstead Road) and the mainline railway as set out in the submitted noise and vibration assessment by KP Acoustics. They do however recommend that this is further assessed and where necessary mitigated once charging units have been specified to ensure that the cumulative impact does not generate excessive noise and disturbance. These details should be submitted as a planning condition to this approval.

Access and Parking

- 8.33 The application site would utilise existing vehicle accesses from the highway to the petrol filling station with improvements being undertaken to the southern crossover to allow direct access to the EV Charging Facility.
- 8.34 The visibility from these access points is considered to be sufficient to provide safe access and egress to the site including access for service vehicles in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020) and as such there would be no fundamental concern with regards to highways safety. Appropriate signage and markings will need to be provided to ensure that there are limited opportunities for vehicle conflict between users of the petrol filling station and users of the EV Charging facilities as set out in the highway authority response.
- 8.35 There is no set standard for off-street parking associated with the development of an EV Charging facilities within the Car Parking Standards SPD (2020) given the nature of the proposals and there is also limited information on trip generation associated with these uses. The traffic generated by the scheme is considered to be limited using comparable TRICS data from roadside facilities and café and as such the vehicle movements

associated with the scheme are not considered to generate significant traffic and congestion.

- 8.36 The provision of 30 EV spaces and 10 E-Cycle chargers at the application premises is considered to be sufficient for a retail/café use in this location, particularly given the primary purpose of the site is to provide EV charging spaces for which the café/retail would be incidental and considering the parking standards for other similar uses of land.
- 8.37 It is considered that the use of parking facilities associated with the EV Charging Station and the hub should be restricted to use by Electric Vehicles or staff vehicles to ensure that the building does not become a destination in its own right and that the function of the premise remains incidental to its use of the site for the charging of vehicles.

Other Material Planning Considerations

Contamination

- 8.38 The Council's scientific officer has indicated that they have no objection in principle to the proposed works. They did request that contamination surveys and mitigation works were undertaken in relation to the original plans for the site given an end residential use. It will be clarified whether these conditions should now be applied given the removal of residential elements of the scheme and any comments will be included within the addendum to this report.

Drainage

- 8.39 A drainage strategy for the site was submitted within the initial planning documents for the development of the site including the proposals for 10 residential units. This strategy has not been updated following the removal of the residential elements of the proposals and as such it is recommended that further details are provided by condition. We would encourage any drainage system to incorporate SuDS features in accordance with Policies CS31 and CS32 of the Core Strategy.

Sustainability

- 8.40 Sustainable building design and construction is an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. All new development is expected to comply with the highest standards of sustainable design and construction in accordance with Policies CS29, CS31 and CS32 of the Core Strategy. The applicants have submitted an Energy and Sustainability Statement with their submission; the commercial elements of which are still relevant. The hub building is designed to be energy efficient. The building improves upon the building regulation requirements through passive design and by a fabric first approach to energy and thermal efficiency. The proposals will incorporate heat recovery systems within the ventilation system, whilst solar panels will be utilised to both supply energy to the building, the chargers (if feasible) and to the grid. It is recommended that development is carried out in accordance with this Energy and Sustainability Statement.

Impact on Trees and Ecology

- 8.41 It will be necessary to remove a single category C tree (T1- Fir) in order to implement the proposed development. This tree is considered to be poor quality and its removal will be compensated for by additional tree planting and landscaping within the site in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

- 8.42 All other trees upon the site will be protected for the duration of construction in accordance with the submitted Arboricultural report.
- 8.43 The ecological survey undertaken by Greenlight Environmental Consultancy Ltd indicates that the site has a moderate ecological value but has not identified any significant ecological constraints that would prevent the proposed works. Surveys for reptiles and badgers are required to inform an ecological impact assessment of the site and an appropriate mitigation strategy. The site has been assessed as having a low to moderate potential for bats with roosting potential identified in four trees to be retained on the site. The report indicates that there will need to be careful consideration to a lighting strategy for the site and this should be secured via a planning condition. This would ensure that green infrastructure is adequately protected in accordance with Policies CS12, CS25, CS26 and CS29 of the Core Strategy.

Kings Langley Parish Council

- 8.44 Officers anticipated that the objections of the Parish Council would be removed following the removal of residential elements of the scheme, however there is still an outstanding objection relating to the need for this facility in the Green Belt and its associated impact on the openness of the Green Belt. These are addressed above.

Infrastructure and Developer Contributions

- 8.45 Following the removal of residential elements of the proposals it is no longer considered to be necessary or appropriate to seek any contributions towards infrastructure works in accordance with Policy CS35 of the Core Strategy.

Chiltern Beechwood Special Area of Conservation (SAC)

- 8.46 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Regulation 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CBSAC from harm, including increased recreational pressures. The proposed development given its nature would not increase recreational pressure at the CBSAC and as such there would be no conflict with Policy CS26 in relation to this matter.

Very Special Circumstances

- 8.47 The proposals as set out above would constitute inappropriate development in the Green Belt and are by definition harmful. In addition to this harm by inappropriateness, I have also identified a moderately harmful impact to the open character and appearance of the Green Belt, primarily in terms of the spatial impact of the proposed building. The proposals are otherwise not considered to be harmful to the visual amenity of the area, neighbouring properties and the setting of the Eagle public house heritage asset.
- 8.48 I have carefully balanced this harm to the Green Belt and any other harm resulting from development against any special circumstances that might be put forward in support of the proposals. It falls to the local planning authority to determine whether there may be very special circumstances might justify inappropriate development in the Green Belt.
- 8.49 The proposed EV Charging facility is ideally located in relation to the principle highway network and would occupy a strategic transport location. There is a need to establish EV infrastructure networks as set out above, in order to facilitate the transition towards net zero and achieve the objectives of the governments EV infrastructure strategy. In my

opinion, such facilities will seldom operate successfully without a supporting facility such as the café, retail hub and toilets given the associated charging time and as such it is necessary for these facilities to coexist.

- 8.50 The provision of EV charging infrastructure has economic, social and environmental benefits which would weigh heavily in support of its delivery. The EV Charging facility would support a number of jobs both in its construction and in the longer term to staff the EV station, café and retail offer. The applicants have indicated that the station could provide up to 6 f/t jobs and 3 p/t jobs supporting economic growth and employment objectives under Policy CS14 of the Core Strategy. The facilities therein may also support remote working for visitors whilst vehicles are charging with associated economic and social benefits.
- 8.51 The EV hub will clearly promote and address some of the barriers to the use of EV or BEV encouraging greater use thereof. The charging station helps to provide a viable transport alternative to petrol and diesel vehicles providing a convenient and accessible supply of charge. The move to EV is clearly beneficial to the environment addressing the issues of climate change and resource depletion. This should reduce or mitigate the emissions generated by transport and improve the air quality of this transport corridor between Hemel Hempstead and the M25. This would have associated health benefits for local residents.
- 8.52 The need for EV charging stations and associated facilities, the economic and environmental benefits are considered to constitute very special circumstances in this case.

Conclusion

- 8.53 I find that the benefits associated with the establishment of an EV Charging Station and hub in this location would clearly outweigh the limited harm to the character, appearance and openness of the Green Belt in this location. No additional harm resulting from the proposals has been identified. For these reasons, I find that there are very special circumstances and that these very special circumstances would justify the approval of these proposals.

Conditions

- 8.54 A number of conditions are necessary to ensure a satisfactory appearance and landscaping to the proposals in accordance with Policies CS12, CS25, CS26 and CS29 of the Core Strategy.
- 8.55 Although a number of conditions have been suggested by the highway authority, a number of the suggested works would require the applicants to enter into a Section 278 agreement under the Highways Act 1980 (As Amended) Given that these works are adequately covered by other legislation there is no need to request these details via a planning condition.
- 8.56 There is a need to clarify the arrangements for vehicular movement within the site in order to address concerns with regards to the potential for conflict in vehicle movements between the site and the adjacent petrol filling station. This is considered to be capable of being addressed by road markings and signage such that it is not a barrier to the grant of planning permission in this instance.
- 8.57 In addition to these requirements, officers consider that there is a need to restrict the use of parking spaces to EV or BEV vehicles in order to ensure that such facilities are available and to ensure that the primary purpose of the facility is for the charging of vehicles.

- 8.58 The applicants contend that a restrictive conditions of the use of such spaces is not reasonable or necessary. In doing so, they highlight that staff employed at the site may not have an electric vehicle, however would need to occupy a space etc. They have also expressed concerns that such a condition would be unenforceable.
- 8.59 I accept that there will be a need for staff parking, but disagree with the conclusions that the condition is not appropriate. The applicant has been asked for a further plan indicating the extent of staff parking in order that such matters may be conditioned. Full details of this condition will be incorporated into the addendum for this report.

9. RECOMMENDATION.

- 9.1 That planning permission be **GRANTED** subject to the conditions below:

Conditions:

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

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

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

3446-05 Revision H (Proposed Site Plan – EV only)

3446-06 Revision E (Proposed EV Hub/Internet Café – Elevations and Floor Plan)

3446-09 Revision C (Street Scenes – EV only)

Arboricultural Report by Greenlight Environment Consultancy Ltd dated 20th December 2021

Energy and Sustainability Statement by E&S Bristol dated January 2022.

Preliminary Ecological Appraisal by Greenlight Environmental Consultancy Ltd dated 25th November 2021.

Transport Assessment by Aval Consulting Group dated 17th December 2021.

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

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

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

- 4. No development shall take place, until full details of hard and soft landscaping works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- details of the location and nature of tree any tree protection measures**
- all external hard surfaces within the site,**
- all means of enclosure to the site**

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

All planting shall be completed within one planting season of the first use of 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 improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy

- 5. The development, hereby permitted, shall not be brought into use until a lighting strategy including lux diagrams showing the extent of coverage of external lighting shall be submitted to and approved in writing. The building shall only be illuminated in accordance with the approved lighting strategy.**

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

- 6. No development shall take place until further ecological surveys of badgers and reptiles have been undertaken in accordance with the recommendations in the approved Preliminary Ecological Appraisal. In the event of badgers or reptiles being located on the site, no development shall take place until details of an appropriate mitigation strategy have been submitted to and approved in writing by the Council. The development shall not be brought into use until all of the mitigation measures identified in the approved Preliminary Ecological Appraisal and any subsequent mitigation measures agreed by the Council have been implemented. These shall thereafter be maintained.**

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

- 7. The development hereby permitted shall not be brought into use until further details of measures to control the movement of traffic within the application site have been submitted to and approved in writing by the local planning authority. These traffic management measures shall be fully implemented prior to the first use of the building.**

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 8. No development shall take place, until full details of the Electric Vehicle chargers have been submitted to and approved in writing by the local planning authority. These technical specifications shall provide for the rapid charging of Electric Vehicles. The charging infrastructure shall be provided fully in accordance with the approved details and shall thereafter be permanently maintained.**

Reason: To ensure construction of a satisfactory development in accordance with Policies CS8, CS12 and CS29 of the Core Strategy.

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

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

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

10 The development hereby approved shall be carried out in accordance with the Energy and Sustainability Statement by E&S Bristol dated January 2022 unless otherwise agreed in writing with the Local Planning Authority.

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

11 No development shall take place until details of the drainage strategy for the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved drainage strategy prior to the occupation of the building hereby approved.

Reason: To ensure that appropriate provision for drainage of the site in accordance with Policies CS31 and CS32 of the Core Strategy.

INFORMATIVE

Planning permission has been granted for this proposal. The applicants have provided amendments to the planning submission in accordance with officer advice and this has resulted in an acceptable form of development. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Contamination

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

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

Highways

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

Agreement with Highway Authority:

The applicant is advised that in order to comply with any planning 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>

Rail Infrastructure

BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

No works should take place until Network Rail are involved and approve works. Future works please use the Link to ASPRO ACE Portal for all new enquiries ASPRO Network Rail Implementation (oraclecloud.com)

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Kings Langley Parish Council	AMENDED PLANS The Parish Council maintains its previous objections to the application, especially as it is unclear whether the latest proposals exclude the proposed housing. ORIGINAL COMMENTS

	<p>The Council objects to this proposal as it feels it would be an inappropriate development in the Green Belt and would significantly harm its openness. The applicant has not presented any appropriate special circumstances to support development in the Green Belt. This objection refers mainly to the residential housing part of the proposal; the Council would likely look more favourably on a separate proposal to develop the fuel station to include electric charging points.</p>
<p>Cllr Anderson</p>	<p>I cannot help but feel that this is a new planning application altogether, as opposed to an amendment, but either way I object formally to this amended submission of the following grounds:</p> <p>The proposals would involve inappropriate development in the Green Belt, significantly harm the openness of the Green Belt and lead to the coalescence of Hemel Hempstead and Kings Langley.</p> <p>An EV Charging station does not constitute a very special circumstance that would outweigh the harm to the Green Belt at this location, and as there is an alternative site located adjacently at the existing petrol station.</p> <p>If one is seeking to argue that an EV charging station is so much more important than housing that it should take preference over the green belt, then one cannot tenably argue that the petrol station next door should be reserved for residential development, irrespective of what form that residential development might take.</p> <p>I am disappointed by the continued reluctance to convert the existing petrol filling station to a charging station, particularly given the financial opportunity to do so.</p>
<p>Hertfordshire County Council – Growth and Infrastructure</p>	<p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.</p>
<p>Hertfordshire County Council – Highways Section.</p>	<p><u>Proposal</u></p> <p>Amended plans - residential units omitted in plans submitted Oct 2022. Provision of an Electric Vehicle (EV) Charging Station, together with</p>

new residential development comprising 10no.affordable homes and associated parking, landscaping and access improvement works.

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 subject to the following conditions:

1. No development shall commence until full detail is have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- Clarification of the highway boundary to clearly illustrate works which would be required on highway land (this is not specifically necessary as part of the planning process but would be needed prior to applying to enter into a Section 278 Agreement with the Highway Authority in relation to the highway works as outlined below);
- Tactile paving and pedestrian dropped kerbs on either side of both accesses into the EV hub and the petrol station;
- A reduction in width of the existing two accesses into the petrol station site, as much as is reasonable to facilitate safe vehicle access whilst also reducing the distance in which pedestrians need to cross;
- Details as to how traffic into and out of the overall site (petrol station and EV hub) would be managed considering that the access to the "southern" access would essentially be functioning as the exit of the petrol station whilst also acting as a two way access for the EV hub. This would be necessary to minimise the potential for conflicts between users within the site and on the adjacent highway.
- A Stage One Road Safety Audit & Designers Response for the proposed access and highway works – this is necessary due to the nature of the access proposals, which include alterations to an existing vehicle access onto a main distributor road.
- An appropriate level and type of cycle parking to maximise and promote cycling as a form of travel for employees to and from the cafe linked to the EV hub.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. A: Highway Improvements – Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority.

B: Highway Improvements – Offsite (Implementation / Construction)

Prior to the first use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate

standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

3. Construction Management

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Any traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Timing of construction activities to avoid school pick up/drop off times;
- g. Provision of sufficient on-site parking prior to commencement of construction activities;
- h. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

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 any planning 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>

Comments / Analysis

The amended proposals comprise of the construction of an electric vehicle charging (EVC) hub facility and cafe on land at Hempstead Road, Kings Langley. Hempstead Road is designated as a classified A main distributor road, subject to a speed limit of 30 to 40mph (the speed limit changes adjacent to the site) and is highway maintainable at public expense.

Access

The application site is accessed via Hempstead Road. There is existing pedestrian footway on either side of the road. The proposals utilise existing vehicle accesses from the highway, which is in accordance with LTP4 Policy 5f, which states that HCC as HA will "Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals". The proposed amended access arrangements are shown on submitted drawing number 3446-05 REV. G (latest update Oct 2022) - however it should be noted that this is also the same drawing number / revision letter as per the previous site plan which still included the residential dwellings so this may need clarification and updating.

The proposed residential units would be accessed via an existing vehicular access point, which was previously used to provide access to a hotel / pub car park. The general location of the access is considered to be acceptable to support the development of 10 dwellings. In order to be acceptable it is recommended that the existing vehicle crossover be converted into a formalized bellmouth access with the kerb radii of no greater than 8m on either side. The proposed internal access road to the proposed dwellings has a carriageway width of approximately 5m in addition to a pedestrian footway on either side, the scale of design of which is considered to be acceptable to support a development of ten dwellings.

The proposed EVC Hub would utilize the existing access arrangement for the petrol station, which is located adjacent to the proposed EVC Hub. Following consideration of the location and details of the accesses to be utilised, HCC as Highway Authority considers that the levels of available vehicular to vehicular visibility in either direction along Hempstead Road are acceptable and in accordance with Roads in Hertfordshire: Highway Design Guide and Manual for Streets. Nevertheless it is recommended that further details are provided as to how traffic into and out of the overall site (petrol station and EV hub) would be managed considering that the access to the "southern" access would essentially be functioning as the exit of the petrol station whilst also acting as a two way access for the EV hub. This would be necessary to minimise the potential for conflicts between users within the site and on the adjacent highway.

It is recommended that the applicant explores reducing the width of the accesses into the petrol station to improve accessibility for any pedestrians walking from the proposed dwellings and across the frontage of the petrol station site, whilst still facilitating safe access for any vehicles travelling in and out of the site. This is to ensure that the proposals maximise pedestrian accessibility from the site and to the nearest signalised crossing point and bus stops to the north of the site to be in accordance with Hertfordshire Local Transport Plan (LTP4) and NPPF and ensure that the proposals maximise pedestrian accessibility and permeability.

Section 278 Highway Works

The applicant would ultimately need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the works that would be required on highway land including:

- Tactile paving and pedestrian dropped kerbs on either side of the both accesses into the development.
- A reduction in width of the existing two accesses into the petrol station site, as much as is reasonable to facilitate safe vehicle access whilst also reducing the distance in which pedestrians need to cross and in context of the previous recommended details in relation to traffic management within the site.
- Stage One Road Safety Audit and Designers Response to support all proposed highway works.

Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to obtain an extent of highway plan to clarify the works which would be within the existing highway. Any Section 278 application would also need to be supportive by a Stage One Road Safety Audit and Designers Response. Please see the above conditions and informatives.

Parking

The proposal includes the provision of 31 car parking spaces for the EVC hub. HCC as the Highway Authority's main concern would be any negative effect the proposal would have on the free and safe flow of traffic along the surrounding highways through any resulting on-street parking from the development. However it is unlikely that any effects would be significant enough to recommend refusal from a highways perspective.

Nevertheless DBC is the parking and planning authority for the district and therefore ultimately would need to be satisfied with the overall level of parking.

Trip Generation & Distribution

A trip generation assessment for the proposed use was included as part of the original TA (section 5), the details of which have been based on trip rate information from the TRICS database. Following consideration of the nature of the development and the points raised

in the TA as to the unique type of development (for the EVC hub), the overall approach was considered to be acceptable by HCC as Highway Authority.

The number of vehicular trips associated with the proposed combined EVC hub and residential use are estimated to be 17 two-way vehicle movements in the AM peak (0800-0900) and 17 two-way vehicle movements in the PM peak (1700-1800) and 270 two-way vehicular trips between 6am and midnight. Following assessment of these details, the impact on the operation of the surrounding highway network from the trip generation perspective would be considered to be acceptable and not a severe or significant enough reason to recommend refusal from a highways perspective, particularly as the residential aspect of the development has now been omitted.

Sustainable Travel & 106 Planning Obligations

The application site is located on the northern edge of Kings Langley, with the remainder of the settlement of Kings Langley to the south and Aplesey to the north. The nearest bus stops and available bus services to the site are located on Hempstead Road, approximately 200m to 300m from the site and therefore within the normally recommended accessibility criteria of 400m. The nearest railway station is Aplesey Railway Station, which is located approximately 1km north of the site and therefore within an easy cycling distance and acceptable walking distance for some.

A TP had been produced and submitted as part of the original application documents to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). Key measures that have been included include the potential use of car clubs, which HCC as Highway Authority would be supportive of. The travel plan was considered to be generally acceptable at this stage of the application.

Nevertheless in order for the overall proposals to be acceptable, the applicant would need to provide further details / information, which would need to be submitted and approved prior to first use of the site including:

- Details of a travel plan co-ordinator (TPC) to be included, once appointed
- Secondary contact details to the TPC required;
- A statement of senior commitment to implementing the travel plan;
- Interim/estimate baseline mode split data for the site is required;
- Interim/estimate modal shift targets;
- Monitoring should be undertaken annually, not in years 1,3 and 5;
- The travel plan should be reviewed annually.

Nevertheless presumably the above travel plan would not now be relevant if the residential aspect of the development has been omitted.

DBC has adopted the Community Infrastructure Levy (CIL) and

	<p>therefore contributions towards local transports schemes as outlined in HCC's South West Herts Growth & Transport Plan would be sought via CIL if appropriate.</p> <p><u>Drainage Strategy</u></p> <p>A drainage strategy has been submitted as part of the application. HCC as the Lead Local Flood Authority would need to be consulted on the proposed drainage strategy at:</p> <p>FRMconsultations@hertfordshire.gov.uk</p> <p><u>Conclusion</u></p> <p>Further details would need to be submitted in relation to the necessary highway works as outlined in the above recommended conditions and comments and the applicant would ultimately need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. It may be more appropriate to submit the details as outlined in the recommended condition 1 of this response as part of the consultation as additional / amended details</p>
Fire and Rescue Service	We have no additional comments of observations to make at this time.
Conservation and Design	Following the omission of the houses, the EV Charging Station and café would be acceptable. The low lying flat roofed and partially screened nature of the development should not have a negative impact on the setting of the Eagle, the listed building on the opposite side of the road.
Environmental Health	<p>ORIGINAL COMMENTS</p> <p>There is no objection to the proposed development.</p> <p>However, as a result of the residential nature of the development proposed on part of the site and the potential for the application site to be impacted by contamination, whether from informal uses on the site, or from the migration of contamination from neighbouring land uses it will be necessary for the following conditions to be included on any permission that is granted.</p> <p><u>Contaminated Land Conditions:</u></p> <p><u>Condition 1:</u></p> <p>a. No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be</p>

harmful to human health and the built and natural environment.

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 an intrusive site investigation report has been submitted to and approved by the Local Planning Authority which includes:

i. A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

ii. The results from the application of an appropriate risk assessment methodology.

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

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

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

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

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

Condition 2:

Any contamination, other than that reported by virtue of **Condition 1** encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and

	<p>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.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p><u>Informative:</u></p> <p>The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</p>
British Pipeline Association	No objection
Canal and River Trust	<p>The amended information submitted does not appear to impact significantly on the main issue relevant to the Trust. Therefore, please refer to our comments, which remain relevant, within our previous response dated 15th March 2022.</p> <p>ORIGINAL COMMENTS</p> <p>We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing 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 wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.</p> <p>Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following general advice:</p> <p>The Trust encourage the use of our waterways and towpaths for leisure, recreation and sporting activities as part of the natural health service, acting as blue gyms and supporting physical and healthy outdoor activity. The site is within close proximity to the canal corridor and the existing access to the canal towpath at Nash Mills Lane, which provides a free public resource for walking and cycling and provides access to green infrastructure, both of which can benefit the wellbeing of future employees and residents</p>

	<p>The Trust generally seeks to maintain its assets in a "steady state", and in the case of towpath maintenance, this is based on current usage. Where new development has the likelihood to increase usage the Trust's maintenance liabilities will also increase, and we consider that it is reasonable to request a financial contribution from developers to either cover increased maintenance costs, or to upgrade the towpath surface to a standard which is more durable and thus able to accommodate increased usage without adding to the Trust's future maintenance costs</p> <p>It is recognised that this development is of relatively small scale, and thus any proportionate contribution may be unable to meet the cost of improving a significant length of towpath. It may however be possible to pool contributions to allow a meaningful improvement to be carried out to the Canal towpath in the vicinity of the site in addition to improvements to wayfinding and signage. The Canal & River Trust therefore request that further discussions take place on this matter to determine if there is support for our request for a contribution, and if so, what would be considered to be an acceptable contribution in line with the Community Infrastructure Levy Regulations 2010 (as amended).</p> <p>However, as a minimum, the identification and use of the towpath and waterspace network as a route for sustainable travel, leisure & recreation, health & wellbeing should be promoted to the future employees and residents of the new development. We suggest that any travel plans, welcome packs, and onsite signage should all include references to the towpath routes and the access at Nash Mills Lane. Wayfinding and signage are critical to users of sustainable travel networks, and necessary in order that their use is maximised. Therefore, there should be information available to identify route options, destinations etc and the ease of reaching them other than via the private car. This matter could be addressed by condition</p> <p>For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.</p>
Hertfordshire Constabulary	<p>Unfortunately I can see no mention of crime prevention or security in the Design and Access Statement or other documents provided. I assume that the EV Charging Station would meet the required government standards however what security measures have been considered for the café.</p>
Network Rail	<p>With reference to the protection of the railway, Network Rail has no objection in principle to the proposal, but below are requirements which must be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary - therefore undertaking the works with the agreement and supervision of Network Rail is required. This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway and for the avoidance of doubt of both the council and the developer who may</p>

not be aware of the potential for outside party proposals to impact upon the railway.

Please forward the attached documents, forms and asset protection contact details to the applicant to action.

Network Rail recognises that conditions are imposed for a planning purpose and that they are fairly and reasonably related to the development and not be manifestly unreasonable. We believe that the comments included in this email are indeed fair and reasonable and relate to Network Rail's need to ameliorate the impacts that might otherwise flow from the development.

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

RAMS

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

Electro-Magnetic

Network Rail will require the following:-

Certificate stating that the equipment to be installed conforms to the requirements of the various Network Rail, EU Directives and any statutory Instruments relating to Electromagnetic Compatibility EMC. Network Rail will review the specification with respect to railway operational equipment.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.

All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.

Buildings and structures must not over-sail Network Rail air-space.

Any future maintenance must be conducted solely within the applicant's land ownership.

Rainwater goods must not discharge towards or over the railway boundary

Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.

Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Drainage proposals and Network Rail land

The NPPF states:

"178. Planning policies and decisions should ensure that:

a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability."

And

"163. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere."

In order to comply with the NPPF, the applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

All surface waters and foul waters must drain away from the direction of the railway boundary.

Soakaways for the proposal must be placed at least 30m from the railway boundary.

Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.

Excavation and Earthworks and Network Rail land:

The NPPF states:

“178. Planning policies and decisions should ensure that:

a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability.”

In order to comply with the NPPF, the applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway.

Network Rail would need to agree the following:

- . Alterations to ground levels
- . De-watering works
- . Ground stabilisation works
- . Works to retaining walls
- . Construction and temporary works
- . Maintenance of retaining walls
- . Ground investigation works must not be undertaken unless agreed with Network Rail.
- . Confirmation of retaining wall works (either Network Rail and/or the applicant).
- . Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- . For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

Boundary treatments

Any structures on the applicant's land which runs seamlessly into a section of Network Rail infrastructure will require Network Rail agreement/comments and interface/supervision to ensure that there is no impact to or increase in risk to Network Rail assets.

3m Gap

	<p>Network Rail requires that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments.</p> <p>BAPA (Basic Asset Protection Agreement)</p> <p>As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.</p> <p>No works should take place until Network Rail are involved and approve works. Future works please use the Link to ASPRO ACE Portal for all new enquiries ASPRO Network Rail Implementation (oraclecloud.com)</p> <p>No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.</p>
Affinity Water	We have no comments to make on this proposal.
Thames Water	<p>WASTE:</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they</p>

	<p>don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>WATER:</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
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APPENDIX B – NEIGHBOUR RESPONSES

Address	Comments
<p>Kings Langley and District Residents Association</p>	<p>ORIGINAL PLANS</p> <p>The KINGS LANGLEY & DISTRICT RESIDENTS ASSOCIATION object to this development on the following grounds:</p> <ol style="list-style-type: none"> 1. The application proposes housing development on a green field, Green Belt site, which despite the claims of the applicant, is not an exceptional circumstance for removal of the site from the Green Belt. Kings Langley is an historic village and the Green Belt in and around it defines its character and prevents coalescence with other settlements. This proposed development would see Kings Langley merging into Nash Mills. 2. The proposal would affect the openness of the Green Belt in the area and effectively reduce Green Belt buffers in the village which are being eaten away by this and other proposals. 3. The EV hub and associated parking appears to cover all of the previously developed part of the site, (the KL&DRA do not object to appropriate development of previously developed land in the Green Belt), however, we do object to the extension of development into the Green Belt for the reasons mentioned above.

	<p>4. The KL&DRA are concerned and surprised that the applicant thinks this is an appropriate site for an EV charging Hub. Such a development would encourage more vehicle movements along an already congested single main thoroughfare (A4251 Hempstead Road), potentially attracting vehicles from the M25 at Junction 20 to travel through the village and also for vehicles to approach from Hemel Hempstead, Apsley & Nash Mills. This is additional traffic that does not benefit Kings Langley at all. EV charging stations of this size would be better placed close to main intersections or at shopping centres.</p> <p>5. In terms of housing need, there are numerous other developments, both proposed and in progress, in and around Kings Langley, which will amply meet an appropriate allocation for new housing in Kings Langley on brownfield sites. Kings Langley does not want or need more housing development on Green belt land.</p> <p>6. Whilst Kings Langley does need more truly affordable and accessible housing for local people, brownfield sites must be fully utilised before allocating such housing to green field Green Belt sites.</p>
41 Abbots Rise	<p>ORIGINAL PLANS</p> <p>I strongly object to this proposal.</p> <p>The area is already being over developed with the Rectory Farm development and the flats being built on Chiswell pools site. These 2 developments already provide more than enough affordable housing.</p> <p>This proposed EV development will attract extra traffic and cause vehicles to drive through kings Langley village to get to the charging station. There is already congestion through the village. There will already be a massive increase in traffic due to rectory farm, and will cause traffic chaos and danger through the village and in the very close vicinity of the primary and high school - I feel this presents a increased danger to students walking to and from school as the roads get busier and busier.</p> <p>There is not the infrastructure for the extra houses proposed - not enough school places already, let alone with the other proposed developments too, not enough GP surgeries.</p> <p>The EV charging station is proposed in completely the wrong location. Having driven an electric vehicle for 2 years I can say from personal experience it should be much closer to major road links, not between 2 villages.</p> <p>This proposal will result in loss of green belt and ecology in an area which has already lost too much already.</p>
75 Hempstead Road	<p>ORIGINAL PLANS</p> <p>I object because, amongst other things, this development causes substantial harm to the openness of the Green Belt, lead to</p>

	<p>coalescence with Apsley, without contributing to meeting an identified housing need or providing any special circumstances. Kings Langley has proportionately nearly twice as many detached houses as the rest of Dacorum. We do not need any more. Our draft Neighbourhood Plan, which will be the subject of a referendum in the next few months, confirms this.</p> <p>EV charging stations do not constitute very special circumstances that would permit the development of undeveloped, open Green Belt. Arguably they are included in the application to justify housing development. The financial proceeds from switching from a petrol station to a charging station are such that one could not argue that enabling development would be required to facilitate the investment.</p> <p>Had this proposal involved purely the conversion of the petrol station to a charging station, it would be a better application.</p> <p>As it is, the housing development is shoe horned into a cramped site with parking, highway safety and traffic issues on a 40 mph road.</p> <p>The layout and density of building is unattractive and out of keeping with nearby houses.</p> <p>The design and appearance are wholly inappropriate in such a visible part of the village</p>
91 Hempstead Road	<p>ORIGINAL PLANS <i>Mr Bouvier</i></p> <p>The planning application refers to the site as being "somewhat left-over land, and thus, a logical infill location" yet also states the development "preserves the openness of the Green Belt" - it is designated GREEN BELT land, and therefore building ten houses, a car park for 31 charging vehicles, a hub building with an internet cafe, convenience retail, lounge seating and WC's certainly does not "preserve the openness" and it would certainly not be logical to infill!</p> <p>It is an inappropriate development which would detract from the open character of the area and contribute to urban agglomeration, it will further contribute to the merging of the historic village of Kings Langley into Apsley.</p> <p>There are brown-field sites which should be given priority for development over green belt sites such as this.</p> <p><i>Mrs Bouvier</i></p> <p>1. The development is planned on Green Belt. It is the Green Belt that separates the village from the neighbouring town of Hemel Hempstead. If developers start to build on this, Kings Langley will become a village in name only, as it starts to merge with the town. I appreciate it may be cheaper and more profitable for developers to build on Green Belt but surely the priority should be to protect this land and look for alternative brownfield sites. Is the Green Belt no</p>

	<p>longer protected? Once it's gone, there's no going back.</p> <p>2. The location does seem an odd choice for an EV charging facility. It would pull traffic off the M25 and A41, sending it directly through Apsley and Kings Langley. This would increase traffic in both areas. Surely it would be better placed closer to a bypass or motorway junction?</p>
118 Hempstead Road	<p>ORIGINAL PLANS</p> <p>The development should be limited to existing hardstanding area on the Texaco site and not into the field next door. It needs to be reduced in scale. There are more suitable, existing plots that have plenty of space for parking that would not involve the development of the Green Belt land. I am in favour of Affordable housing though but this is oversized.</p>
129 Hempstead Road	<p>ORIGINAL PLANS</p> <p>We object to the proposals for the following reasons:</p> <ol style="list-style-type: none"> 1) Loss of openness of the Green Belt 2) Increased traffic on this busy road 3) The proposed dwellings would be unaffordable to young people in Kings Langley 4) There is no demand for the new housing 5) There is a lack of infrastructure for these houses 6) A café is not needed and would compete with existing facilities in the locality and 7) The proposal are turning our village into a suburb.
129a Hempstead Road	<p>ORIGINAL PLANS</p> <p>We strongly object to the extra noise, extra traffic congestion and loss of privacy that would result from this development.</p>
49 Rucklers Lane	<p>ORIGINAL PLANS</p> <p>Concerns over the provision of parking for the affordable homes and any overflow this charging station may require as there's currently not enough in the local area as it is. It will increase traffic in a suburban area, are there provisions for better roads/ junctions / parking? Would be better suited nearer a motorway, shopping precinct or industrial area.</p>
Flintstones, 3 Home Park House, Station Road.	<p>ORIGINAL PLANS</p> <p>We are in agreement for use of brownfield land and our understanding is that the EV hub and associated parking are in the brownfield area of the site.</p> <p>In relation to the Green Belt we believe the subject application does constitute 'inappropriate development' and in line with Paragraph 144 of the NPPF, 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness,</p>

	<p>and any other harm resulting from the proposal, is clearly outweighed by other considerations.</p> <p>As part of a Green Belt case an assessment should be undertaken to consider whether there are any alternative sites which could be suitable for development, located outside the Green Belt and Green Belt sites should only be considered for development if there are no other reasonable alternatives within an appropriate radius. We cannot see evidence that this process has been undertaken in order to robustly conclude that the proposed site is the only suitable location for the proposals and is therefore unacceptable.</p>
71 Ovaltine Drive	<p>As this proposed development is partially on green belt land, please refuse it. Or who else will protect Kings Langley's irreplaceable green spaces? It was designated green belt for a reason. Please keep it that way</p>