

ITEM NUMBER: 5c

22/00578/FUL	Construction of a new dwelling, including a new vehicle access, demolition of existing outbuildings and cessation of existing vehicle repair and sales business	
Site Address:	Shothanger House, Box Lane, Hemel Hempstead, Hertfordshire, HP3 0DJ	
Applicant/Agent:	Mr Paul Campbell	Mr Andrew Boothby
Case Officer:	Martin Stickleby	
Parish/Ward:	Bovingdon Parish Council	Bovingdon/Flaunden/ Chipperfield
Referral to Committee:	Call-In by Councillor Riddick	

1. RECOMMENDATION

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

2. SUMMARY

2.1 The site is situated in the Green Belt and the land proposed for development is considered previously developed. The proposal has evolved considerably and addressed the issues associated with the previous refusals. The proposals would not have a greater impact openness of the Green Belt, complying with the requirements of Paragraph 149 of the National Planning Policy Framework (2021), subject to conditions. Therefore, the proposal is considered to comply with the aims of Policy CS5 of the Core Strategy (2013) and national policy.

3. SITE DESCRIPTION

3.1 The application site is located beyond the urban boundary of Hemel Hempstead, situated within the Metropolitan Green Belt. The site is approximately 0.7ha and comprises a large detached two-storey dwellinghouse. The landscape exhibits a steep southern incline and therefore the existing property, which is set back from Box Lane, holds a considerably higher position than the road. The site benefits from two existing accesses off Box Lane.

3.2 There are a number of existing outbuildings located around the site; the largest of which has been used to operate a mechanics workshop and for the sale of motor vehicles. Evidence was provided on previous applications (20/00255/FUL and 20/02512/FUL) to confirm that the business has been in operation for over 10 years.

4. PROPOSAL

4.1 This application seeks planning permission for the removal of the existing outbuildings and the construction of a new dwellinghouse. The proposals would involve splitting the 0.7ha plot into two individual plots of approximately 0.4ha (for the existing property) and 0.3ha (for the new property).

4.2 The proposed building has a contemporary design with using a modern undulating roof form. The materials include dark brindle brick (walls), zinc (roof), wood (doors and fenestration framing) and glazing (windows). The proposed garden wall that would conceal the lower half of the building would be finished in flint.

4.3 The property would be partially submerged into the landscape. A new access would be provided from Box Lane and a driveway that would lead past the new property to a new single-storey garage.

4.4 This application forms a resubmission of two previous refusals (see 20/00255/FUL and 20/02512/FUL) but with a number of amendments/alterations to address the concerns raised by the Local Planning Authority (LPA).

4.5 The original application (20/00255/FUL) was refused for the following reason:

The proposed dwelling is situated in a sensitive Green Belt location within close proximity to open fields to the west. The scale, design, height and location of the proposed dwelling would result a more prominent form of development when compared to the existing outbuildings proposed for removal. This, combined with the additional hardstanding, boundary treatment and other domestic paraphilia associated with a residential property would lead to a greater impact on the openness, character and appearance of the Green Belt. The proposal is therefore contrary to the aims of Paragraph 145 (f) of the National Planning Policy Framework (2019) and Policy CS5 of the Dacorum Borough Core Strategy (2013). The very special circumstances put forward are not considered sufficient to offset the harm to the Green Belt.

4.6 The re-submission (20/2512/FUL) was refused for the following reason:

The proposed dwelling is situated in a sensitive Green Belt location within close proximity to open fields to the west. The scale, design, height and location of the proposed dwelling would result a more prominent form of development when compared to the existing outbuildings proposed for removal. This, combined with the additional hardstanding, boundary treatment and other domestic paraphilia associated with a residential property would lead to a greater impact on the openness, character and appearance of the Green Belt. The new access would also erode the rural character of Box Lane. The proposal is therefore contrary to the aims of Paragraph 145 (f) of the National Planning Policy Framework (2019) and Policy CS5 of the Dacorum Borough Core Strategy (2013). The very special circumstances put forward are not considered sufficient to offset the harm to the Green Belt.

4.7 The amended proposal differs in several ways. The key changes include:

- Changes to the scale and design of the building;
- A reduction in hardstanding and the use of grassed bodpave (Bodpave is an interlocking plastic porous paving system that reinforces ground so vehicles can drive upon it without the need for formal hardstanding);
- The use of hedging and landscaping to separate the existing/proposed plots, as opposed to fencing;
- 3D models have been provided to visualise the building and the impacts of the existing outbuildings;
- Inclusion of a flint wall to mask the main domestic parts of the ground floor elevation; and
- Landscaping and biodiversity enhancements.

4.8 It is worth noting an extract from the previous delegated report (20/2512/FUL), which explains how conditions on the site have changed since the original visit from the LPA.

It is noted that circumstances on the site have changed since my original site visits in January 2020 (for the pre-application) and February 2020 (for the original full application). Photographs submitted to the Local Planning Authority (LPA) as part of this application show two things:

Firstly, a large part of the existing mature hedgerow fronting Box Lane has been removed. The Agent was contacted regarding this and it was highlighted that:

'The cutting back of the hedgerow along the front of the site, was, in part, caused by damage from a substantial fallen tree. I am advised by the applicant the hedgerow will be allowed to regrow to its normally kept height of 2 metres before any new dwelling is built. In addition, the application shows a 2-metre-high close boarded fence along this boundary (albeit set back slightly) which would be instated should the plans for the proposed dwelling be approved. The applicant would encourage conditions for additional trees and vegetation to preserve the high level of screening from Box Lane and the field to the west.'

Secondly, the replacement of the boundary treatment from an opaque fence to a wire fence, allowing more visibility into the site and the parking area.

4.9 The delegated report provides photographs that reveal the increased visibility of the site, which has, in turn, increased the prominence of the vehicles associated with the aforementioned business that runs on the site.

5. PLANNING HISTORY

Planning Applications:

20/00255/FUL - Construction of a new dwelling, including demolition of existing outbuildings and cessation of existing vehicle repair and sales business. *Refused - 3rd April 2020.*

20/02512/FUL - Construction of a new dwelling, including demolition of existing outbuildings and cessation of existing vehicle repair and sales business. (Amended Scheme). *Refused - 7th April 2021*

4/00133/19/HPA - Single-storey rear extension. *Prior Approval Not Required - 4th March 2019*

4/00369/19/LDP - Construction of single garage/workshop, motorcycle display/store and photography/video store. *Granted - 2nd May 2019.*

4/00385/06/FHA - Two storey and single storey side extension. *Granted - 13th April 2006.*

6. CONSTRAINTS

CIL Zone: CIL2

Green Belt

Heathrow Safeguarding Zone: LHR Wind Turbine

RAF Halton and Chenies Zone: Green (15.2m)

EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. KEY PLANNING POLICIES AND GUIDANCE

National Planning Policy Framework (July 2021)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Policy NP1 - Supporting Development
Policy CS1 - Distribution of Development
Policy CS5 - The Green Belt
Policy CS10 - Quality of Settlement Design
Policy CS11 - Quality of Neighbourhood Design
Policy CS12 - Quality of Site Design
Policy CS17 - New Housing
Policy CS28 - Renewable Energy
Policy CS29 - Sustainable Design and Construction

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Policy 10 - Optimising the use of Urban Land
Policy 18 - Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 129 - Storage and Recycling of Waste on Development Sites
Appendix 1 - Sustainability Checklist
Appendix 3 - Layout and Design of Residential Areas
Appendix 5 - Parking Provision Appendices

Supplementary Planning Guidance

Sustainable Development Advice Note (March 2011)
Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (September 2011)
Refuse Storage Guidance Note (February 2015)
Parking Standards Supplementary Planning Document (November 2020)

9. CONSIDERATIONS

Main Issues

9.1 There are several key issues that relate to this application. These include:

- The policy and principle justification for the development;
- The impact on the openness, character and appearance of the Green Belt;
- The impact on the street scene and quality of design; and
- Any other material planning considerations.

Policy and principle justification for the proposed development

9.2 The Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. Within the Green Belt, small-scale development will be permitted e.g. the redevelopment of previously developed sites, providing that it has no significant impact on the character and appearance of the countryside (Dacorum Borough Core Strategy 2013, Policy CS5).

9.3 The National Planning Policy Framework 2021 (henceforth referred to as the 'Framework') defines previously developed land as the following:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape (see Annex 2: Glossary, page 70).

9.4 Although the proposed dwellinghouse is situated within a residential garden, the site is not deemed to be in a 'built-up' area. As such, the land is considered 'previously developed'.

9.5 Paragraph 149 of the Framework states that the construction of new buildings is inappropriate in the Green Belt. However, there are a number of exceptions, including:

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

- not have a greater impact on the openness of the Green Belt than the existing development; or

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."

9.6 In accordance with Paragraph 149, the partial redevelopment of previously developed land does not constitute inappropriate development in principle. Therefore, the primary consideration is whether or not the proposal would have a greater impact on the openness of the Green Belt than the existing development.

9.7 The proposals do not include the provision of an affordable unit and therefore point two above does not apply.

Impact on the openness, character and appearance of the Green Belt

9.8 There are a number of factors relevant to the assessment of whether or not a proposal would have a greater impact on the Green Belt. The visual impact was implicitly part of the concept of openness of the Green Belt. However, the openness of the Green Belt also has a spatial aspect and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as the result of the location of a new or materially larger building.

Existing business

9.9 As previously mentioned, a vehicle repair and sales (cars, motorbikes and boats) business has operated on the site for over ten years. Invoices and other supporting information was provided to the Council. The applicant has confirmed that between April 2009 and November 2019, a total of 717 vehicles were sold, which averages at 71 sales per year.

9.10 The existing business use has attracted a number of additional vehicular movements to the site as well as visual impacts through the storage of vehicles on site. The removal of the business and the associated paraphernalia would have a positive impact on the openness, character and appearance of the Green Belt. If this application is approved, a condition would be imposed ensuring that the business ceases in perpetuity prior to the occupation of the first use of the proposed

dwellinghouse. This would ensure that the impacts of the business on the Green Belt are removed altogether.

Spatial impact

9.11 The submission provides floor area and volume calculations for the existing outbuildings. Some of these figures have marginally changed from the previously refused applications, even though they relate to the same buildings. The current figures will be used for this assessment.

Figure 1. Existing outbuildings

Description	Floorspace (m2)	Volume (m3)
Workshop	7	13
Showroom	92	221
Machinery Store	13	25
Two-Storey Outbuilding	24	50
Sales Office	15	46
Total	151	355

9.12 Permission has also been granted for a number of other extensions and outbuildings on the site. These include a two-storey extension under application 4/00385/06/FHA and two outbuildings under lawful development certificate 4/00369/19/LDP.

9.13 Section 6.56 sets out the 'approved outbuildings under permitted development and extant two-storey side extension'.

Figure 2. Unbuilt extensions and outbuildings

Description	Floorspace (m2)	Volume (m3)
Single-storey motorbike display/store (building not started)	29	86
Photographic/video store including fitness area (building not started)	36	108
Two-storey extension (foundations laid)	64	229
Total	129	423

9.14 The total floor space and volume of the existing (Figure 1) and proposed extensions/outbuildings (Figures 2) equates to 280m² and 778m³ respectively. It is worth noting that the outbuildings have not been constructed despite their approval in May 2019. The two-storey extension has had its foundations laid a number of years ago but it appears that no above ground works have commenced.

9.15 The Agent provided a full list of areas and volumes (see 'Areas and Volumes Rev P2' dated 7th November 2022). The document refers to the area and volume as 'above flint wall' and 'below flint wall'. The Planning Statement refers to this as 'above ground' development, which applies to the main ground-floor section of the proposed property because it is subterranean/sunken. However, it would have been preferable to have above/below ground figures, as the physical presence of the flint wall would not remove the spatial impacts of above-ground development, despite somewhat

concealing them. It is also noted that the flint wall itself would have some visual and spatial impacts on the Green Belt. Nonetheless, the 'above and below' flint wall figures provided below:

Figure 3. Proposed dwelling, detached garage and shed

Description	Floorspace (m2)	Volume (m3)
Proposed property above flint wall	113	452
Total above flint wall	113	452
Proposed property below flint wall	143	358
Proposed shed below flint wall	20	38
Garage below flint wall	32	90
Total below flint wall	195	486
Overall total	308	938

9.16 The Agent (Aitchison Raffety) has been contacted for clarification on whether the 'Family Room' on Drawing PL-4 (Revision P2) has been included within the 'above flint wall' figures. Nevertheless, the floorspace of the family room has been identified as circa 30sq.m, which is considered to be 'above ground'. It is acknowledged that any below ground/sunken elements of the scheme would have limited or no visual or spatial impacts. Members will be provided with an update regarding the figures prior to or at the committee meeting.

9.17 The Planning Statement highlights that an overall reduction in above-ground floorspace of -38m² when taking into account the buildings to be demolished and an increase of +97m³ in volume. However, when considering the 'approved outbuildings and extant side extension' as a 'fall-back' position, these figures increase to -167m² and -326m³ respectively. The Planning Statement appears to refer to above ground floorspace as that above the flint wall. However, as previously noted, it is considered that all above ground development should be included. Even if the family room is included within the calculations, the proposals would not exceed the existing floorspace, however, they would further exceed the volume. Both the shed and garage are proposed to be subterranean.

9.18 Outbuildings under Class E, Part 1, Schedule 2 of the General Permitted Development Order (GPDO) (2015) (as amended) are only permitted if they are incidental to the use of the main property. This provision is intended to permit modest, single-storey structures for uses incidental to the enjoyment of a dwellinghouse, not form a key component of it. Appeal decisions have revealed that it is neither the intention nor within the spirit of the GPDO for hypothetical outbuilding floor areas and volumes to be used to justify the construction of additional dwellings. As such, limited weight is placed upon this consideration.

9.19 As the application for the two-storey side extension has been implemented, there is prospect of this coming forward in the future. Therefore, it is considered that the floor area and volume associated with this element could be given more weight. This extension is fairly compact in its design and therefore, the overall impacts of this extension on the openness of the Green Belt would be limited. Furthermore, despite the Planning Statement noting that *'the applicant would be happy to sign a legal agreement to remove their right to construct the extant two storey side extension'*, no further details have been submitted in this regard. It is also questioned how reasonable it would be to restrict these works if the foundations have already been laid. Regardless, it is noted that the Applicant is offering this as part of the floor area and volume 'trade-off'. Considering the limited

nature of the extension (see Figure 4 and 5 below) and the limited impacts on the Green Belt that would occur, is not considered necessary in this instance to restrict its construction.

Figure 4. Proposed Front Elevation from Extant Permission (4/00385/06/FHA)

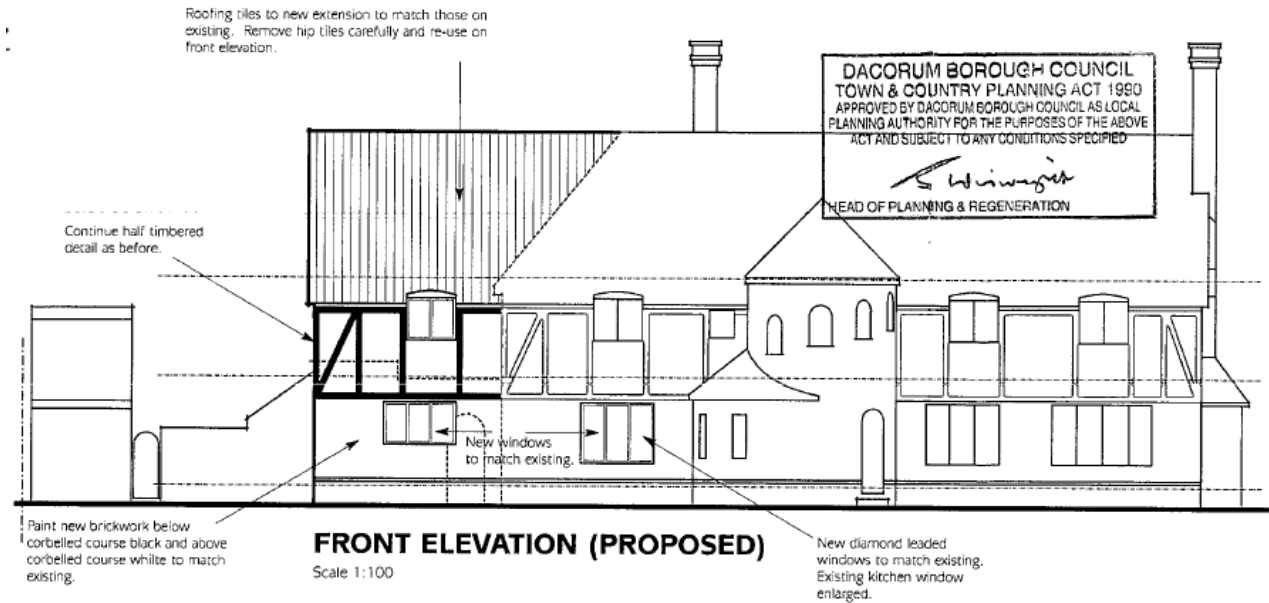
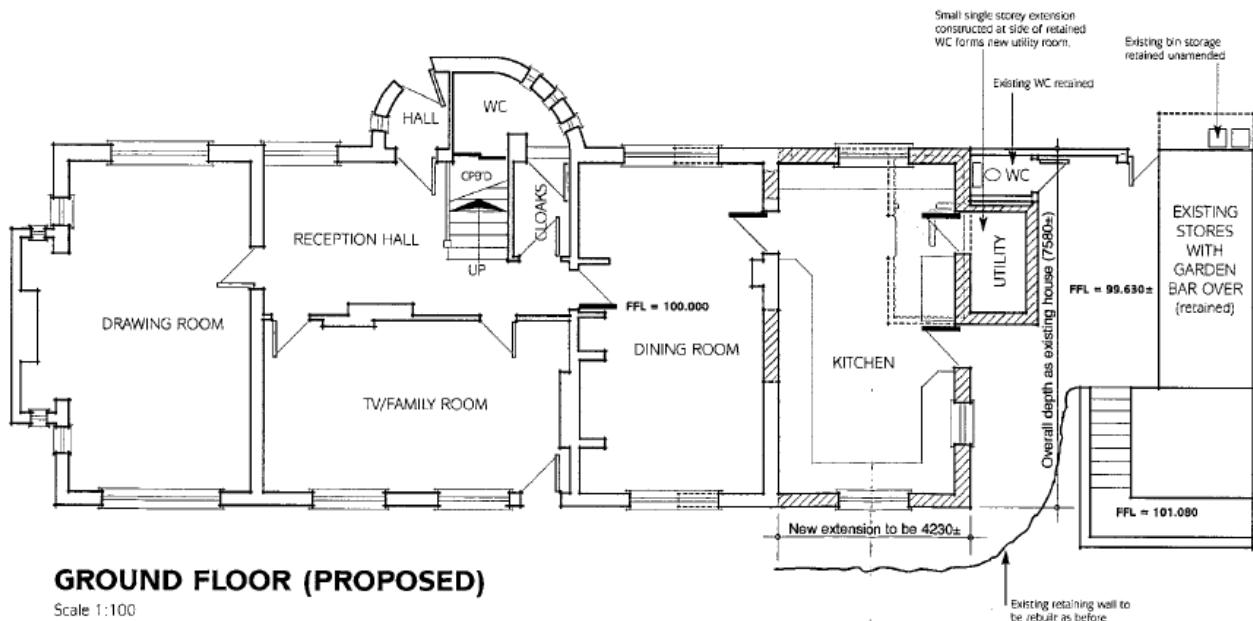


Figure 5. Proposed Ground Floor Plan from Extant Permission (4/00385/06/FHA)



9.20 The proposals would include a more compact form of development and reduce the spread of buildings across the site. Whilst there appears to be a spatial increase (volume) in development, however, when viewing the site from Box Lane, it is considered that the proposals would be less visually prominent. The proposed dwelling would be set within the existing ribbon development with the backdrop of Bury Lodge and Bury Manor to the south. As such, it is not felt that a new dwelling in this location would appear out-of-place within this context.

9.21 The current proposals have reduced the above-ground floorspace and volume of the property and garage from the previous applications. An approximate comparison is made in Figure 6 below, which includes the family room (circa 30sq.m) that was excluded from the 'above flint wall' calculations above.

Figure 6. Previous and existing above ground floorspace and volume calculations (approximates)

Description	Floorspace (m2)	Volume (m3)
22/00578/FUL (Current)	143	452
20/02512/FUL (Re-Sub)	229	594
20/00225/FUL (Original)	229	614

9.22 The proposed above-ground floorspace has reduced considerably (some 143m²) as a result of the design evolution and submergence of more of the ground-floor level. Significant efforts have also been made to reduce the above-ground volume, with a reduction of 162m³ when compared to the original application.

9.23 Taking the above into account, the spatial impact of the proposed dwelling is modest, with a reduction in above-ground floorspace but increase in volume. If this application is approved, it is suggested that conditions be imposed relating to the removal of permitted development rights for both properties, restricting further extensions and outbuildings. This would give the LPA control over the future spatial considerations of any proposed development on the site. A condition would also be imposed ensuring that all outbuildings marked for demolition are done so prior to the occupation of the new property.

Visual impact

9.24 As mentioned above, the existing site comprises a number of outbuildings. The Planning Statement include several supporting photographs including 'Existing outbuildings visible from Box Lane' and 'Vehicle sales court visible from Box Lane' (see page 26). These photographs show the visibility of some of the outbuildings and parking area from outside of the site.

9.25 When the LPA original visited the site for the 'original' application i.e. 20/00225/FUL, the outbuildings nearest the road and parking area were largely obscured from public view behind the existing vegetation. During time of leaf fall, these building, particularly the 'Showroom' becomes more apparent, however, at the time the buildings were still considered to be largely obscured from Box Lane.

9.26 Whilst the outbuildings are more apparent during winter months, they were not considered overtly visible from the public realm. The removal of the boundary hedge and change of fencing has resulted in the vehicle storage area and several of the outbuildings becoming more prominent as you move along Box Lane, particularly when you travel in a north-easterly direction. However, even though these buildings are more visible from the public highway, they are considered to have a modest visual impact on the openness, character and appearance of the Green Belt.

9.27 The proposed property is located on higher ground but considerably further from Box Lane. The sunken nature and flint wall would mask a large portion of the property. This is represented in the CGI image of the proposed building by Kirkland Fraser Moor (Drawing PL-14). When taking into account the removal of the existing outbuildings and car sales area, which would be secured via planning condition if this application is approved, it is considered that the visual impact of the proposed property and garage would be less harmful from public vantage points along Box Lane when compared to the existing situation.

9.28 Turning to other public vantage points, consideration has been given to the public right of way that runs through the field to the south-west of the application site. This right of way runs through the southern half of the field and therefore direct views of the site are not possible. There is vegetation that masks the application site from this public footpath, however, it is noted that due to the limited height of the proposal and its partial subterranean nature, only a small amount of the building would be visible when viewed from the east, west or south of the plot. It is unlikely that views of the building would be any more prominent than the existing outbuildings that exist across the site.

9.29 The proposed access onto Box Lane and the subdivision of the site were also raised as concerns on the previous refusals. Whilst an area of hardstanding has still been proposed to create a new access onto Box Lane, the remaining existing hardstanding would be removed and grassed. Bodpave is proposed to provide vehicular access to the proposed property. This is considered to have a much lesser visual impact than traditional hardstanding. Drawing SK01 (Revision P1) represents the existing hard surface area, which, when compared to Drawing SK02 (Revision P2), reveals that overall there would be a fairly substantial reduction in hardstanding overall. Whilst the reduction of circa 50% of hardstanding is welcomed, some concern is still raised over the new access onto Box Lane.

9.30 The concerns over the subdivision of the site have been addressed by removing the proposed fencing and providing hedgerows, which, over time would provide a suitable boundary between the existing and proposed plots. It is considered that this solution would provide an acceptable visual impact. However, to ensure that further fencing is not erected on the site, permitted development rights would be removed from both the existing and proposed properties to ensure that the LPA is able to secure this in perpetuity. Timber gates would be provided but these are set back from the road and would have a limited visual impact.

9.31 A flint wall garden has been provided to obscure the ground-floor façade of the proposed property. This would help to soften any visual impacts caused by light pollution and help to conceal domestic paraphernalia associated with the property.

9.32 The proposed property would likely result in a number of vehicles being parked on the new site, however, there would likely be significantly less than the vehicles parked in association with the car sales business. They would also be parking further into the site, which would result in a lesser visual impact.

9.33 Taking all of the above into account and with the imposition of the proposed conditions, it is felt that the proposal would not have a greater visual impact on the openness of the Green Belt in visual terms.

Summary

9.34 The proposal would result in the removal of a number of existing buildings and a fairly large area of hardstanding in addition to the removal of the existing business. The proposal would have marginal spatial impact due to the increase in built-form volume but as noted, the floorspace would be reduced overall. The overall visual impacts are considered lesser than what currently exists and therefore, on balance, it is considered that the proposal would not have a greater impact on the openness of the Green Belt.

Previously approved development

9.35 The Planning Statement highlights an example of a previously approved application approximately 70m (three doors down) from the site (see application 4/02774/17/FUL). The application proposed the demolition of a large detached dwelling known as 'Remagen' and other several other outbuildings with two new dwellinghouses.

9.36 A furniture business operated on this site from 1981, with the three outbuildings used as showroom/workshop space and for the storage of furniture. A piano trade commenced in the buildings in 1997, including piano display, sales, storage and restoration. The evidence submitted in respect of the application demonstrated that the outbuildings were been used continuously for trade since 1981. The use included a limited area of the surrounding land and forecourt used for related vehicle parking and deliveries.

9.37 This scheme was previously assessed in the re-submission for the application site (see delegated report on application 20/02512/FUL). A number of similarities and differences were noted and the report identifies that:

Whether a proposed development would have a significant impact on the character and appearance of the countryside is a matter of planning judgement. What is deemed acceptable in one instance may be unacceptable in another. In forming a judgement, site specific factors such as the prominence of the building within the landscape, topography and proximity to other buildings are all capable of influencing the view taken by a Planning Officer.

The proposed properties at Remagen would replace a substantial two-storey property with two much lower buildings with green roofs. The Planning Officer at that time took the view that the proposed development would have no greater impact on the openness of the Green Belt.

Whilst there are some similarities between Remagen and Shothanger House, and the other examples provided by the Applicant, each planning application must be assessed on its own merits.

9.38 This approach is maintained for this current application and therefore it is felt that the outcome of this nearby scheme, when considering its merits and planning officers judgement at that time, does not have a significant bearing on this scheme.

Highway safety and parking provision

9.39 The proposed access has been assessed by Hertfordshire County Council, acting as the Highway Authority. They have highlighted that the “*proposals would not have a severe residual impact on highway safety or capacity*” subject to a number of conditions and informatives. The proposal therefore appears to comply with the Framework, Paragraph 111 in this regard.

9.40 Turning to the proposed parking arrangements, both dwellings (existing and proposed) benefit from large driveways and parking areas that would be more than sufficient to meet the parking requirements, as set out in the Car Parking Standards Supplementary Planning Document (SPD) (2020). Overall, no concerns are raised with regards to highway safety and the proposed parking provision.

Impact on street scene and quality of design

9.41 The irregular positioning of dwellings and generous spacing in this area of Hempstead Road provides a variety and richness to the area’s appearance. Due to the width of the site, and the location and height of the proposed property, the development would spread the built form of development towards the open field to the west. However, there is an existing backdrop of development to the south and whilst these buildings are not readily visible from the site, they illustrate that the proposals would be well within the cluster of existing buildings in the locality. It is noted that there are over 20 dwellings situated around the site (see properties on Box Lane, Bury Rise and Shothanger Way. It is also noted that the visual impacts of the proposed unit would be

extremely modest when viewed from the west due to its design and subterranean nature. The proposals would not disrupt the spacing of dwellings on the street and are considered to maintain the countryside border between this string of properties on Box Lane and the field beyond.

9.42 There is no predominant architectural style in this area and the introduction of a contemporary design is not in principle inappropriate or harmful.

OTHER CONSIDERATIONS

Very special circumstances

9.43 As an assessment of Green Belt impacts has been undertaken, revealing no greater harm in-line with Paragraph 149 of the Framework, very special circumstances are not considered necessary.

Impact on neighbours

9.44 Given the siting, scale and orientation, it is unlikely that the proposed dwelling would not adversely affect the residential amenities of adjacent properties with regard to light, privacy or visual intrusion. The proposal therefore complies with Policy CS12 of the Core Strategy in this regard.

Impact on trees

9.45 The application is supported by a Tree Survey and Report by Elite Ecology (January 2022) which sets out recommendations for the management and protection of existing trees. The recommendations from this report would be conditioned if this application is approved. The Planning Statement also highlights that *'there would be ample space on site for additional soft landscaping and tree planting. This could be secured by condition.'*

9.46 Dacorum Borough Council's Trees and Woodland Department have not responded to the consultation request despite being chased. It is therefore assumed that they have no objection to the proposed works.

Impact on ecology

9.47 Hertfordshire Ecology responded to this application and initially highlighted that there was insufficient information in relation to European protected species i.e. bats. An emergence and re—entry survey was provided by ARBTECH (May 2020), highlighting low likelihood of bat roosts. Taking this into account, and noting that a European Protected Species (EPS) licence would likely be issued if bats are found to be present, Hertfordshire Ecology have confirmed no objection to the proposals.

9.48 It is noted that edible dormouse were found, which are an invasive species. The County Ecology has recommended that licenced operators are used to remove them. This would be added as an informative if the application is approved.

Contamination

9.49 Dacorum Borough Council's Environmental and Community Protection Team (ECP) responded to this application, stating:

Il am able to confirm that there is no objection to the proposed development. However, because the application is for an additional residential dwelling on a site with a historical and

current land use involving the repair and sales of motor vehicles, I am recommending the following planning conditions.

9.50 Taking the above into account, ECP recommended two planning conditions relating to contamination if the application is approved. These can be found in the 'Conditions and Reasons' part of this report.

Community Infrastructure Levy (CIL)

9.51 The proposed development would be subject to Community Infrastructure Levy (CIL) charges in accordance with Policy CS33 of the Core Strategy and the 'Charging Schedule'. The current CIL requirements, as set out in the Annual CIL Rate Summary 2022, for residential within Zone 2 is £196.06 per sq.m. This rate is live as of January 2022.

Habitats Regulations Assessment (HRA) - Chilterns Beechwoods Special Area of Conservation

9.52 As of 14th March 2022 there is a moratorium on all residential development in the Borough. This is a temporary measure due to excessive harm recently identified to the Chilterns Beechwoods Special Area of Conservation (CBSAC) and Councils' duties under law required by Habitat's Regulations.

9.53 The Council has worked with relevant partners to identify suitable mitigations strategy going forward. The mitigation strategy involves contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands. The Council's dedicated webpage for further information provides further information (www.dacorum.gov.uk).

9.54 Applications that result in any net gain in new homes or some other forms of development that in turn can lead to extra visitors to the CBSAC and considered to affect the Special Area of Conservation.

9.55 It is considered that the approval of this application would result in a new home with additional occupiers, which, in turn, could result in more individuals residing in Dacorum. This would conflict with the aims of the moratorium. As such, the proposal is required to provide suitable contributions towards mitigation in-line with Policy CS26 of the Core Strategy, Paragraph 175 of the Framework (2021), and the requirements of the Habitats Regulations 2017 and 2019. Therefore, the application is proposed to be 'delegated with a view to approval' subject to the completion of a legal agreement covering the required mitigation costs.

Climate Change and Sustainability

9.56 The energy and carbon performance expectations for new developments are rapidly evolving as the UK moves towards a legislated net zero commitment by 2050. Section 14 of the Framework explains that the planning system should support the transition to a low carbon future in a changing climate.

9.57 DBC was one of the first local authorities to declare a climate and ecological emergency and has made a pledge to become net zero by 2030.

9.58 Proposals should be designed in accordance with DBC's 'Be Lean (use less energy), Clean (supply energy efficiently) and Green (use renewable energy)' principles (see Figure 16 (p.121) of the Core Strategy). Policy CS28 requires new developments to minimise carbon emissions and CS29 requires new development to comply with the highest standards of sustainable design and construction, laying out a number of principles to be satisfied.

9.59 The proposals would involve the removal of an existing vehicle repair and sales business, the subsequently reducing the traffic and pollution generated by the site. The proposed development, if approved, would have an electric vehicle charging point condition added to encourage future occupiers to travel by electric vehicle.

9.60 The Planning Statement, paragraph 6.112 highlights that the building would be constructed to Passivhaus standards, which would result in a building that is energy efficient and maintains an almost constant temperature. The sunken nature of the property would help retain heat during winter months.

9.61 In addition to the above, the proposals include tree planting, soft landscaping and a wildlife pond, all of which would provide further environmental benefits.

9.62 Taking the above into account, the proposals would provide a dwellinghouse of a sustainable design, which considered acceptable in terms of sustainability and climate change mitigation.

Drainage

9.63 No objections have been received by Thames Water or Affinity Water in terms of drainage.

10. CONCLUSION

10.1 The site is situated in the Green Belt and the land proposed for development is considered previously developed in-line with the Framework i.e. garden land not in a built-up area. The partial redevelopment of this land does not constitute inappropriate development in principle, however, the development must not have a greater impact on the openness of the Green Belt.

10.2 The proposal would involve the demolition of a number of existing buildings and hardstanding and the construction of a new access, property and garage. There would be an overall reduction in floorspace and an increase in volume. The overall visual prominence and height of proposals would result in a form of development that is considered to have a lesser impact on the openness of the Green Belt.

10.3 The proposal has evolved considerably and a number of the issues raised including boundary treatment and hardstanding have been mitigated through design. The sunken nature of the property and walled courtyard further reduce visual impacts, by masking more of the built form and providing concealment of the ground-floor and associated domestic appearance.

10.4 Taking all of the above into account it is felt that the proposals would not have a greater impact openness of the Green Belt and would have an acceptable impact on its appearance and character, subject to conditions. Therefore, the proposal is considered to comply with the aims of Policy CS5 of the Core Strategy (2013) and the National Planning Policy Framework (2021).

11. RECOMMENDATION

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

Condition(s) and Reason(s):

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

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

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

**PL-001 P2 - Site Location Plan
PL-003 P3 - Proposed Site Plan
PL-004 P2 - Proposed Ground Floor Plan
PL-005 P1 - Proposed First Floor Plan
PL-006 P1 - Proposed North and East Elevations
PL-007 P1 - Proposed South and West Elevations
PL-008 P1 - Proposed North Elevation Long
PL-009 P1 - North and East Elevation (Brick Wall)
PL-010 P1 - West Elevation (Brick Wall)
SK02 P2 - Proposed Hard Surfaces**

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

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

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

**Schedule 2, Part 1, Classes A, AA, B, E and F; and
Schedule 2, Part 2, Class A.**

The removal of permitted development rights applies to both Shothanger House and the property (and their respective plots) approved under this application.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the openness and character of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2021).

5. **Prior to the first occupation of the dwellinghouse hereby approved, the outbuildings listed as 'outbuildings (to be removed)' on the Drawing PL-003 P3 and the existing hardstanding illustrated for removal on Drawing SK01 P1 shall permanently be removed from the site.**

Reason: In the interests of safeguarding the openness and character of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2021).

6. **The existing vehicle car sales and repair business shall permanently cease prior to first occupation of the residential unit hereby approved. The entirety of the land will then return to residential use.**

Reason: In the interests of safeguarding the openness and character of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2021).

7. **Prior to the first occupation of the development hereby permitted pedestrian and vehicular visibility splays shall be provided in full accordance with the details indicated on the approved plan number 20026/101 "Development Access Proposals". The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 110 and 112 of the National Planning Policy Framework (2021).

8. **Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan and highway specification 20026/101 "Development Access Proposals" attached. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 110 and 112 of the National Planning Policy Framework (2021).

9. **Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 6 metres from the edge of the highway as shown on drawing number 20026/101 "Development Access Proposals".**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 110 and 112 of the National Planning Policy Framework (2021).

10. **The proposed tree works shall be carried out in accordance with the approved Tree Survey and Arboricultural Impact Assessment by Elite Ecology (January 2022). The management and protective measures shall be carried out in full. All work shall be carried out in accordance with B.S.3998:2010 "Tree Work Recommendations".**

Reason: To ensure that the loss of the tree is mitigated by a replacement in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

11. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and**

these measures shall thereafter be retained fully in accordance with the approved details.

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

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

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and
- minor artefacts and structures (e.g. bin stores, etc.).

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

Any tree or shrub which forms part of the approved landscaping scheme which within a period of three 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 (2013).

13. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2021).

- 14. Any contamination, other than that reported by virtue of Condition 13 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2021).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. 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.
2. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
3. All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area

should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

4. Biodiversity enhancements could be incorporated into the development proposal. These could be in form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for swifts, swallows and martins, refuge habitats (e.g. log piles, hibernacula) for reptiles at the site boundaries, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.
5. New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.
Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
6. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
7. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.
8. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.
9. Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

10. Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
11. As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development to support sustainable travel and air quality improvements and for these measures to be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph) 35 "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking we are not talking about physical charging points in all units but the capacity to install one as it is much cheaper to install one (even if solely the wiring and ducting) at the point of building than to retrospectively install one. In addition, mitigation as listed below should be incorporated into the scheme:

All gas fired boilers to meet a minimum standard of 40 mgNO_x/Kwh or consideration of alternative heat sources.

12. Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	<p><u>Initial comments received 7th April 2022</u></p> <p>The proposal is for the construction of a new dwelling, including a new vehicle access, demolition of existing outbuildings and cessation of existing vehicle repair and sales business at Shothanger House, Box</p>

Lane, Hemel Hempstead. Box Lane is a 40 mph classified B secondary distributor rout.

This is an interim response in relation to the lack of information provided regarding the new access onto Box Lane for the new dwelling. The new access lacks any information in relation to the size of the new access, the visibility splays of the new access and the width of the new access route leading to the dwelling. There is a 50 mph sign adjacent the access and as such this could impede visibility splays. Therefore, HCC Highways would like detailed information relating to the above items mentioned for the new access.

As the new access for the dwelling is adjacent a 50 mph sign we would like the visibility splays for the new access to meet this speed requirement as vehicles approaching the 40 mph sign will be slowing down from 40 mph but people approaching the 50 mph sign will be speeding up. Therefore as we require a visibility splay for a 50 mph road, I would like to draw your attention to Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section 1: Policy Information and General Guidance Chapter 1: Introduction, Standards and Informal Consultations. Where it states in section 1.4:

"If the speed on a C/B or unclassified road is above 60kph (37 mph), the highway authority will require DMRB standards unless more appropriate evidenced local interpretations are agreed"

This would mean that the visibility splay would need to be 2.4 x 215 metres either side of either access unless sufficient evidence can be provided to prove otherwise such as vehicle speeds.

Sufficient evidence should be included within a design and access statement and would include detailed speed counts of the area to show that speeds are below 60 mph. You would need to ensure that all vehicles can enter and then exit the site in forward gear as per Roads in Hertfordshire:

Highway Design Guide 3rd Edition Section 2: Highway Layout and Strategies Chapter 9: Permitted Road Connections and Frontage Access: Table 2.9.1.1. So a visibility splay of 2.4m x 215 metres would be required unless a speed lower than 50 mph can be proven using a speed survey adjacent the site.

The drive must be greater than 3.6 metres in width to allow emergency vehicles to enter in case of an emergency. However, it is recommended that an entrance greater than 4 metres be implemented to help facilitate an ease of movement to and from the site. The dwelling is greater than 45 metres from all parts of the building to the highway network and

therefore a 10.2 metre fire appliance would need to turn around on site. Therefore, a swept path analysis of a large fire appliance would be needed to ensure that the appliance can turn on site to enter and exit the highway network in forward gear. It is noted that the access route for the new access is on a steep embankment and therefore elevation of the drive will need to be shown to ensure that the access is not too steep for vehicles entering and exiting.

Any gate that is to be placed at either access must be set back 6 metres from the highway as per Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 - Design Standards and Advice Chapter 1 - Road Design Criteria: section 1.9 to avoid waiting vehicles obstructing traffic. This may be reduced to 5.5m if the gates or doors open inwards or are in the form of a roller.

Once all the points above have been met then HCC Highways can make an informed recommendation for the site in relation to highway issues. If the above issues are not met then HCC Highways will be recommending refusal of the site.

Further comments received 11th March 2022

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. Prior to the first occupation / use of the development hereby permitted pedestrian and vehicular visibility splays shall be provided in full accordance with the details indicated on the approved plan number 20026/101 "Development Access Proposals". The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Prior to the first occupation / use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan and highway specification 20026/101 "Development Access Proposals" attached. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3. Prior to the first occupation /use of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 6 metres from the edge of the highway as shown on drawing number 20026/101 "Development Access Proposals".

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Informatives

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

AN 1) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN 2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is

available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

The proposal is for the construction of a new dwelling, including a new vehicle access, demolition of existing outbuildings and cessation of existing vehicle repair and sales business at Shothanger House, Box Lane, Hemel Hempstead. A proposal with the same access arrangements was previously recommended approval from HCC Highways but subsequently refused by the Local Planning Authority. Please find HCC Highways previous response below (reference : 20/02512/FUL); (This application is for Construction of a new dwelling, including demolition of existing outbuildings and cessation of existing vehicle repair and sales business. (Amended Scheme) This amendment is to provide a new vehicle crossover for the proposed new dwelling.

The site is located on Box Lane, which is a "B" classified Secondary Distributor road, which in the vicinity of the proposed access has a 50mph speed limit. Vehicles are required to enter and leave the

	<p>highway in forward gear.</p> <p>ACCESS</p> <p>A new access is proposed for the proposed dwelling, details of which are provided on drawing no 20026/101 "Development Access Proposals". There will be a gate across the driveway, which is set back from the road an acceptable distance in highway terms. The visibility splays required and proposed are in line with the standards in DMRB, since the road is subject to a 50mph speed limit.</p> <p>PARKING</p> <p>There is sufficient space on site for parking a number of vehicles and there is space for them to manoeuvre to enter and leave the highway in forward gear.</p> <p>CONCLUSION</p> <p>HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the conditions and informative notes above.)</p> <p>Conclusion</p> <p>In Light of not contradicting ourselves I am willing to recommend a grant of permission for this proposal subject to our previous assessment owing to no change in the access arrangements for this application compared to previous. Fire appliance access is still an issue and I recommend DBC email Herts Fire and rescue for more information on fire safety of the site; administration.cfs@hertfordshire.gov.uk. All works within the highway must be completed either using a section 184 or 278 agreement with Hertfordshire County Council who which complete the work on the applicant behalf.</p>
<p>Hertfordshire Ecology</p>	<p><u>Initial comments received 16th August 2022</u></p> <p>Thank you for consulting Hertfordshire Ecology on the application above, for which I have the following comments:</p> <p>Summary of advice:</p> <ul style="list-style-type: none"> • Insufficient information on European protected species (bats) to allow determination. <p>Supporting documents:</p> <p>The application is supported by the following report:</p>

- Preliminary Roost Assessment by Cherryfield, (report date 21/08/2020).

Comments:

A Preliminary Roost Assessment by Cherryfield (report date July 2020) of the three-building marked (B1, B2 & B3) in the report found no bats or evidence of bats. It did assess the building B1 a timber-built structure atop a brick plinth as having low potential for roosting bats due to the presence of access points between loose roof tiles.

Consequently, following Bat Conservation Trust best practice guidelines, one nocturnal emergence survey is required to determine presence/absence, and to provide appropriate mitigation to safeguard bats if present and affected. This survey can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm.

As bats are classified as European Protected Species (EPS) sufficient information is required to be submitted to the LPA prior to determination - so it can consider the impact of the proposal on bats and discharge its legal obligations under the 'Conservation of Habitats and Species Regulations' (2017) as amended.

Consequently, I cannot advise this application is determined until the recommended bat survey has been undertaken and the results, together with any appropriate mitigation submitted to the LPA for written approval.

If a roost is to be affected, an EPS licence will also be required from Natural England to enable the proposals to be implemented, and consequently this may need to be factored into any development timescale.

Further comments received 14th October 2022

Summary of advice:

o Sufficient information on European protected species (bats) to allow determination.

o Removal of Edible Dormouse using a licenced contractor is required

Supporting documents:

The application is supported by the following report:

	<p>o Ecological assessment and Preliminary Roost Assessment by Cherryfield ecology (report date 21/08/2020)</p> <p>o Bar Emergence Survey by Morgan & Stuckey Ecological Consultants (report date 27/08/2022)</p> <p>Comments:</p> <p>The application is supported by a bat emergence and re-entry survey by ARBTECH.</p> <p>Two activity surveys undertaken on the 6th and 27th of May 2020 confirmed the presence of a bat roost of low conservational status. I have no reason to dispute this conclusion. With this information in place, I consider the LPA has sufficient information on bats for determination. It is acknowledged that if bats will be affected by the proposal, a European Protected Species (EPS) licence will be required from Natural England to proceed lawfully. I have no reason to believe that a licence will not be issued.</p> <p>A Preliminary Roost Assessment was carried out by Cherryfield Ecology of the three buildings on site. This found no bats or evidence of bats but did assess the building B1 (a timber-built , clay tiled out building which will be demolished) as having a low potential as a roost. Subsequently, one emergence survey was undertaken by Morgan & Stuckey Ecological Consultants on the 27th of August 2022 during which no behaviour confirming the presence of a roost was observed. I have no reason to dispute this conclusion. Bat activity was recorded in the surrounding area and suitable recommendations regarding lighting and enhancements for bat are provided in the emergence survey report. With this information in place, I consider the LPA has sufficient information on bats for determination.</p> <p>Both reports highlighted the presence within building B1 of edible dormouse.</p> <p>Suitable advice relating to this invasive species and the requirement for the use of licenced operators to remove them are given with in the Morgan & Stuckey report and should be followed in full.</p>
<p>Bovingdon Parish Council</p>	<p><u>Initial comment received 29th March 2022</u></p> <p>No comment but should the Borough Council be minded to approve the application then we would ask for improvements in the landscaping to be agreed with the applicant to create a more open vista of the adjoining countryside.</p>

	<p><u>Further comment received 21st April 2022</u></p> <p>No comment ' however the revised landscaping plan is an improvement on the previous application.</p>
<p>Thames Water</p>	<p>WASTE:</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</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</p>

	9EZ - Tel - 0845 782 3333.
Environmental And Community Protection (DBC)	<p>Noise</p> <p>Please find the below informative comments in regards to the proposed development however, which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative</p> <p>Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p>Waste Management Informative</p> <p>Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.</p> <p>Air Quality Informative</p> <p>As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance. This is also being encouraged by DEFRA.</p>

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development to support sustainable travel and air quality improvements and for these measures to be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph) 35 "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking we are not talking about physical charging points in all units but the capacity to install one as it is much cheaper to install one (even if solely the wiring and ducting) at the point of building than to retrospectively install one. In addition, mitigation as listed below should be incorporated into the scheme:

All gas fired boilers to meet a minimum standard of 40 mgNO_x/Kwh or consideration of alternative heat sources.

Invasive and Injurious Weeds - Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at

<https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

Following consultation for the above application, this team would not look to add formal conditions on the permissions.

Please find the below informative comments in regards to the proposed development however, which we respectfully request to be included in the decision notice.

Working Hours Informative

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Contamination

Having reviewed the documentation submitted with the above planning application and having considered the information held by the ECP Team I am able to confirm that there is no objection to the proposed development. However, because the application is for an additional residential dwelling on a site with a historical and current land use involving the repair and sales of motor vehicles, I am recommending the following planning conditions.

Contaminated Land Conditions:

Condition 1:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the

presence of contamination likely to be harmful to human health and the built and natural environment.

(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 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>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>Informative: 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>
Natural England	<p>22/00578/FUL</p> <p>NATURAL ENGLAND'S ADVICE</p> <p>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC)</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity.</p> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Please re-consult Natural England once this information has been obtained.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
5	0	0	0	0

Neighbour Responses

Address	Comments