

ITEM NUMBER:

22/03037/FUL	Demolition of existing building and the development of the site to provide 1 additional dwelling (Use Class C3)	
Site Address:	The Croft Northchurch Common Berkhamsted Hertfordshire HP4 1LR	
Applicant/Agent:	Mr Day	Ms Emma Adams
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Northchurch Parish Council	Northchurch
Referral to Committee:	Objection from the Parish Council.	

1. RECOMMENDATION

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

2. SUMMARY

2.1 The site is situated in the Green Belt and the land proposed for development is considered to be previously developed. The proposal would include the demolition of the stables, summer house, taking into account an approved double garage (not built but extant) and the creation of a new dwelling.

2.2 The proposals would not have a greater impact on the openness of the Green Belt, complying with the requirements of Paragraphs 149 and 150 of the National Planning Policy Framework (2021) and the aims of Policy CS5 of the Core Strategy (2013), subject to conditions.

2.3 The overall size, scale and design of the proposed alterations are acceptable, they relate well to adjacent buildings and would not result in any harm to the character or appearance of the street scene or surrounding area. The works are not considered to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. The impact on the amenity of existing and future residents of The Croft of passing vehicles and pedestrians using the shared access in front of The Croft to access the proposed dwelling will be mitigated by enhancing the existing landscaping.

2.4 Furthermore, the scheme would not have an adverse impact on the road network or create significant parking stress in the area given the location, scale and existing use of the building.-

2.5 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS5, CS8, CS11, CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

3. SITE DESCRIPTION

3.1 The application site lies on the northern side of an unclassified road (a BOAT) and comprises an existing dwelling known as The Croft and its long rear garden to the north, currently occupied by a stable building and summer house.

3.2 The access and a track to the stable building is provided along the western edge of the site.

3.3 The site lies within the Metropolitan Green Belt and the Chilterns AONB.

4. PROPOSAL

4.1 The application seeks full planning permission to demolish the existing stable and summer house and the development of the site to provide 1 additional dwelling (Use Class C3). Two parking spaces will be provided to the front of the new dwelling with amenity space to the rear.

5. PLANNING HISTORY

Planning Applications

4/01637/96/FUL - Loft conversion & new dormer
GRANTED - 5th February 1997

4/01507/96/FHA - Demolition of existing garages, store and conservatory. Erection of double garage, store and conservatory
GRANTED - 6th February 1997

4/01059/97/FUL - Erection of stable block
GRANTED - 6th November 1997

4/01054/01/FHA - Utility room and roof to porch
GRANTED - 2nd August 2001

4/02014/00/FUL - Conversion of redundant stable to provide granny annexe
REFUSED - 12th January 2001

4/00140/02/FHA - Amendments to application 4/01054/01 (utility room and porch)
GRANTED - 13th March 2002

6. CONSTRAINTS

Area of Outstanding Natural Beauty: CAONB outside Dacorum
BCA Townscape Group
CIL Zone: CIL1
Green Belt: Policy: CS5
Parish: Northchurch CP
RAF Halton and Chenies Zone: Red (10.7m)
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
Parking Standards: New Zone 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2021)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - Green Belt
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS24 – Chilterns Area of Outstanding Natural Beauty
CS25 - Landscape Character
CS29 - Sustainable Design and Construction

Local Plan 1991-2011 – Saved Policy 99 and Appendix 3

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (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 (2022)

Other:

Chilterns Conservation Board Management Plan
Chilterns Buildings Design Guide

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
Impact on the openness of the Green Belt;
Impact on the CAONB;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The site lies within the Green Belt wherein policy CS5 of the Core Strategy states that the Council will apply national planning policy in order to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. This policy does go on to state that small scale development will be permitted, such as the redevelopment of previously developed sites, provided that it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside.

9.3 The above is considered to be consistent with the NPPF which states at paragraph 149 (g) that the partial or complete redevelopment of previously developed land, whether redundant or in

continuing use, would be acceptable in the Green Belt, provided that it 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 identifiable affordable housing need within the area of the local planning authority. This scheme does not include the provision of affordable housing.

9.4 The NPPF at Annex 2 defines Previously Developed Land (PDL) as 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 however, land that is or was last occupied by agricultural or forestry buildings.

9.5 Residential garden land outside of built up areas is considered PDL for Green Belt purposes. There are currently two outbuildings on site, located to the north of the dwelling, and confirmation that a garage outbuilding can be constructed on the land, has also been provided as part of the submission, due to extant planning permission (4/01507/96/FHA).

9.6 Based on the NPPF definition of Previously Developed Land, it is therefore considered that the redevelopment of the site, or part of it, would be acceptable in Green Belt principle terms. This is subject to the impact on openness being no greater than existing built form, which is further discussed below.

9.7 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 adds that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' (VSC) will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

9.8 Policy CS17 of the Core Strategy acknowledges that windfall sites such as this are an element of housing supply.

Impact on the openness of the Green Belt

9.9 Consideration of both spatial and visual aspects are required in the assessment of whether the proposal would have a greater impact on the openness of the Green Belt than the existing development.

9.10 In addition to the stables on the site, there is an extant permission for a double garage and store of approximately 42.5 square metres to the corner of the site behind the rear boundary of the adjacent Park House.

Parameter	Existing stables, summer house and approved garage	Proposed Dwelling	Difference
Footprint	Total 120 square metres	109 square metres	Minus 11 square metres
Volume	Total 395 square metres	418 square metres	Plus 23 cubic metres

Parameter	Stables	Approved garage	Proposed dwelling
Ridge height	3.2 metres	4.4 metres	6 metres
Eaves height	2 metres	1.9 metres	3.5 metres

9.11 It is acknowledged that there would be an increase in height of the proposed building compared with the heights of the existing/approved buildings but the proposal would have the effect of

consolidating built form, bringing it closer to the existing dwelling and away from the northern edge of the plot, which is more sensitive in landscape terms.

9.12 It is considered that this would be an enhancement in visual and spatial terms. In addition, the submission sets out that around half of the existing driveway leading to the stables would be removed, as a result of the dwelling being located towards the south and in line with “Lynmouth” and “The Barn”.

9.13 It is noted that Green Belt harm could arise through the intensification of the site, which would include an increase in population, as well as an increase in vehicular movements and domestic paraphernalia.

9.14 On balance however it is considered that the proposed scheme would reduce the sprawl of development across the site and focus the development towards the middle of the site and infilling the space between the two existing dwellings “Lynmouth” and “The Barn” and would assist in safeguarding the countryside from encroachment as outlined in Para 138 of the NPPF.

9.15 In order to control unrestricted sprawl across the site it is considered necessary and reasonable to condition the removal of outbuildings, ensure that the extant permission cannot be built and to remove class A, E and F Permitted development rights.

9.16 It is considered that the proposed scheme is appropriate development and would not have any greater impact on the openness of the Green Belt than the existing/approved development and therefore complies with the NPPF and CS5.

Impact on the Chilterns AONB

9.17 Policy CS24 of the Core Strategy states that the special qualities of the Chilterns AONB will be conserved. The scarp slope will be protected from development that would have a negative impact upon its skyline. Development will have regard to the policies and actions set out in the Chilterns Conservation Board’s Management Plan and support the principles set out within the Chilterns Buildings Design Guide and associated technical notes.

9.18 Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.

9.19 Whilst it is recognised that the site falls within the Chilterns AONB, as set out above, there are already two dwellings set back in line with the proposed dwelling, on either side of the application site. Given that the proposed dwelling would sit between two existing buildings, it would appear from longer views to the north as though the dwelling follows an established building line. Similarly, although a new dwelling would likely lead to an increase in night time glow, this would be seen in the context of the two dwellings on either side.

9.20 The design of the new dwelling is simple in form, scale and materials and is in character with many of the outbuildings located near to the site. The materials to be used for the walls will be similar to those used on the adjacent dwelling “The Barn”. The design sits comfortably in this location and maintains the overall character of the area. The proposal will not be prominent in the skyline as it sits between the two existing dwellings and is single storey in design.

9.21 As such, it is considered that the proposal would not result in any significant levels of harm to the CAONB. The proposal therefore complies with policy CS24 of the Core Strategy.

Quality of Design / Impact on Visual Amenity

9.22 Policies CS11 and CS12 of the Core Strategy state that development should respect the typical density intended in an area and enhance spaces between buildings and general character; preserve attractive streetscapes and enhance any positive linkages between character areas; avoid large areas dominated by car parking; retain important trees or replace them with suitable species if their loss is justified; plant trees and shrubs to help assimilate development and softly screen settlement edges; integrate with the streetscape character; and respect adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.

9.23 The proposed dwelling would be broadly in line with “Lynmouth” and “The Barn”, each of which are accessed from the main highway via a track to the side of dwellings that front the road. Therefore the proposal could be seen as filling in a gap between two existing dwellings. Although back-land development is not generally supported, it is clear that “Lynmouth” and “The Barn” present a case for this being in keeping in spatial terms. The submission also indicates that the track leading up the western edge of the plot is already in situ.

9.24 The footprint of the building would be a T-shape which is acceptable in principle. The building would be kept to single storey and this again would appear appropriate. The majority of buildings fronting the highway are single storey bungalows although some houses do provide accommodation within the roofspace. The proposal respects these more prominent buildings and appears subservient.

9.25 The use of facing brickwork to the plinth, timber weatherboarding above and plain clay tiles are considered to be acceptable in principle, as these would have a suitably rural character.

9.26 The parking and turning area has the potential to dominate the area at the front of the dwelling, however as noted above there would be an overall reduction of hardstanding. In addition to this, it appears that the area to the front of “Lynmouth” and “The Barn” are hard surfaced in order to provide parking and turning areas. Therefore provided this area is limited, it would likely be acceptable in this instance.

9.27 It is acknowledged that in terms of plot size the scheme is different to the prevailing character of Northchurch Common but the immediate neighbour has an identical length of garden. The width of the neighbour’s garden is approximately 11 metres with the proposed garden for The Croft being approximately 9 metres wide at its widest and approximately 6 metres wide towards the end of the garden. So it is considered that overall there is very little difference. There are also some smaller plots to the north west of the site such as “Westcroft” and “Sunhaven” as you approach the settlement coming up the hill. On balance, it is not considered that the proposed garden size is harmful to the character and appearance of the area.

9.28 It is therefore considered that the scheme accords with policies CS11 and CS12 of the Core Strategy.

Impact on Residential Amenity

9.29 The NPPF paragraph 130 outlines the importance of planning decisions in securing high standards of amenity for existing and future occupiers of land and buildings. NPPF paragraph 130, Saved Appendix 3 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposals should be designed to reduce any impact on future and neighbouring properties outlook, loss of light and privacy.

9.30 Based on the submitted plans and the fact that the dwelling is single storey, it appears that there would be no unreasonable harm to “Lynmouth” or “The Barn”. The dwelling would be set in from the boundaries and although it appears relatively close to the western boundary, “Lynmouth” is

set several metres away from this boundary. Similarly it is not expected that any significant levels of overlooking would occur, given the single storey nature of the building and the fact that the garden land can already be accessed on foot, meaning any views from the ground floor windows would be akin to simply standing on the site.

9.31 There is a two metre close boarded fence along the side boundary with “Lynmouth” and a two metre high brick wall along the side boundary with “The Barn” along with mature vegetation along parts of the boundary. Based on the boundary treatment it is not considered that there will be any direct overlooking into either of the neighbours from the new single storey dwelling. This boundary treatment also offers privacy for future residents of the new dwelling.

9.32 “The Barn” is a chalet bungalow with no first floor windows facing the site and “Lynmouth” also is a form of chalet bungalow which has no first floor windows facing the site thus ensuring that the residents of the new dwelling will not be overlooked.

9.33 The distance between the rear elevation of “The Croft” and the proposed new dwelling is well in excess of the minimum stated in Saved Appendix 3 of 23 metres. The back garden of the proposed new dwelling will be approx. 35 metres in length which is well in excess of the minimum of 11.5 metres stated for gardens and amenity space.

9.34 The access and driveway for the new dwelling will pass in front of the existing dwelling “The Croft” it is considered that any glare from headlights or overlooking can be dealt with via landscaping. It is recommended that the landscaping condition include additional planting for this area.

9.35 The windows in the side elevation of “The Croft” which face the vehicular access are secondary windows which will not be affected by the passing vehicles or pedestrians.

9.36 In principle, it is therefore considered that the development would be acceptable having regard to the impact on neighbouring properties as well as considering the living conditions of the future occupiers of the development, and those of the existing dwelling The Croft.

9.37 In order to safeguard the residential amenities of the existing and proposed dwellings it is considered necessary and reasonable to condition the removal class A, B, C, E and F Permitted development rights.

Impact on Highway Safety and Parking

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

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

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

9.40 The application does not propose any changes to the existing access.

9.41 HCC Highways have made a recommendation of ‘Other’ as the dwelling will not be accessed via the adopted highway network.

9.42 HCC Highways advised that the new dwelling will be located greater than 45 metres from all parts of the adjacent access road to all parts of the proposed dwelling. Therefore, an 8.2 metre fire appliance will need to access the site and turn on site to access the proposed dwelling in case of an emergency. Consequently, Highways recommend that Herts Fire and rescue be consulted.

9.43 Herts Fire and Rescue's Fire Safety Advisor has stated that there are two options to provide access for an appliance.

1. Provide turning that can be demonstrated (using a swept path analysis of the appropriate sized vehicle, in accordance with ADB Section B5).
2. Provided a fire appliance could stop 20m into the access road as it approaches from the highway, the application would be meeting guidance if this dwelling were to be fitted throughout with sprinklers.

9.44 The proposal meets option 2 and the new dwelling will be fitted throughout with sprinklers.

9.45 The requirement for sprinklers exists due to the guidance given in fire access and water provision ADB.

9.46 The fire appliance cannot turn around at the proposed dwelling and the maximum reversing distance is 20m on a road of 3.7m minimum width, leaving the fire appliance further than the 45m maximum distance required by the guidance.

9.47 A sprinkler system will control a fire for a period of time that will give the fire crews extra time they need to lay longer lengths of hose and equip themselves as necessary to tackle the fire.

9.48 Once this information was provided the Fire Safety Advisor had no further comments to make in regards to access and water.

9.49 The NPPF, Policies CS8 and CS12 of the Core Strategy and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.50 The proposal would result in the provision of two car parking spaces towards the front of The Croft for this dwelling and two spaces towards the front of the new dwelling.

9.51 The parking requirement for the proposed two bedroom dwelling to be located in Accessibility Zone 3 is 1.5 spaces.

9.52 The Croft is a three bedroom dwelling and the parking requirement for a 3 bedroom dwelling in Accessibility Zone 3 is 2.25.

9.53 The proposal provides for a turning area to ensure vehicles can exit in forward gear. Electric Vehicle Charging Points will be provided for these spaces to accord with the requirements of the SPD. Provision of the EVC points will be a condition of any approval given.

9.54 The proposed 2 spaces for the new dwelling could be considered a small over-provision, however bearing in mind the site's rural location within the Green Belt, it is not considered that there would be any harm caused. There is sufficient space at the front of The Croft for additional parking so the 0.25 deficit would not be an issue. As such, it is considered that the proposal would be acceptable in respect of highway safety and parking provision.

Impact on Ecology

9.55 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Furthermore, Core Strategy Policy CS26 seeks to conserve and restore habitats and species.

9.56 As the proposal involves the demolition of existing buildings HCC – Ecology were consulted.

9.57 The proposed development is accompanied by a Preliminary Roost Assessment (PRA) by '4 Acre Ecology Limited' (July 2022). The report found that the building had 'negligible potential' to support a bat roost so no further surveys are required but an informative is recommended regarding protection of bats and their roost.

9.58 The PRA identifies the low risk of great crested newts making use of the site from potential breeding ponds less than 500m distant. Great crested newts are afforded similar protection to bats and should be a consideration. The PRA identifies only a low risk that they could make use of the site given the distance and presence of unsuitable habitat for rest/hibernation and recommends the adoption of avoidance measures to be secured via a Working Method Statement. It is agreed that this approach and the great crested newt Method Statement should be secured by a condition. This will adequately reduce the risk of an offence being committed.

9.59 In addition to an assessment of the existing situation on site, the NPPF also requires all development to deliver a biodiversity net gain. These net gains can be delivered in various ways but typically include the installation of bat/bird boxes, bee bricks, new tree and hedge planting etc.

9.60 The opportunity exists to provide modest enhancements for biodiversity as part of this development. The installation of an integrated bat box in the new building and the introduction of night flowering plants as recommend in s7.13 & 7.14 of the PRA should be encouraged. It is recommended that this be made a prior to occupation condition.

Sustainable Design and Construction

9.61 Any new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the CS and saved Policy 129 of the DBLP, together with Supplementary Planning Documents for Energy Efficiency and Conservation, and Water Conservation.

9.62 Policy CS29 is particularly relevant together with the Sustainable Development Checklist and advice note. Any application should be accompanied by a Sustainability Statement as required by Para 18.22 of the Core Strategy and Policy CS29. In addition, the criteria within Policy CS29 should be met and should be demonstrated via a Sustainable Design and Construction Statement, a template checklist for which is available on the DBC website.

9.63 Details of SUDS and any proposed renewable energy measures should be provided.

9.64 A condition will be set on any approval regarding the above.

Contaminated Land

9.65 The Contaminated Land Officer was consulted on the above application and raised no objection to the proposal on the grounds of land contamination and advised that there is no requirement for further contaminated land information to be provided.

9.66 The Contaminated Land Officer did recommended that certain informatives be included on any permission that is granted to reflect the fact that outbuildings, albeit of a domestic nature, are being

removed and that the areas currently occupied by them are being restored to soft landscaped private garden.

Environmental Health

9.67 The Environmental Health Officer was consulted on the above application and raised no objections regarding noise, odour or air quality. Several informatives were recommended if approval given relating to waste management, construction working hours, dust, air quality and invasive and injurious weeds.

Other Material Planning Considerations

Thames Water

9.68 Thames Water had no comments to make on the application.

Impact on Trees and Landscaping

9.69 Saved Policies 99 and 100 of the Local Plan and Policy CS12 of the Core Strategy seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

9.70 There are no Tree Preservation Orders or otherwise protected trees within the application site and the site is not located within a Conservation Area.

9.71 The proposed scheme proposes to retain existing landscaping and provide additional tree planting to enhance and create an overall biodiversity net gain. The area of hardstanding/access drive will also be reduced and replaced by grass/landscaping.

9.72 It is recommended that a condition requiring a landscaping scheme should be placed on any approval.

Waste Management

9.73 Saved Policy 129 of the Dacorum Borough Local Plan seeks to ensure that developments have adequate storage for refuse and recycling.

9.74 The plans show adequate space for the provision of domestic bin storage close to the access and there is sufficient width to take the bins along the side of the property. The applicant would be able to leave bins at the roadside on bin collection day.

Response to Neighbour Comments

9.75 Objections have been received raising the following concerns:

- no new houses should be built in the Green Belt or AONB;
- will be out of keeping;
- building more houses will affect the semi-rural character of the area;
- affect local ecology and trees;
- close to adjoining properties – result in loss of amenity;
- narrowness of the plot;
- development too high;
- loss of privacy;
- loss of light;
- noise nuisance and pollution;

- inadequate access and parking;
- increase in traffic;
- no access for a fire tender;
- contaminated land;
- overdevelopment of the site – should be more open land;
- inadequate public transport; and
- water supply;

The material planning considerations listed above have been addressed in the report.

Town Council Comments

9.76 Northchurch Parish Council objects to the application noting that the drive to the new property is longer than the required maximum of 45m from the access road and that the area shown for turning emergency vehicles is inadequate.

9.77 The Council considers that the drawings shown are badly drawn and incorrect dimensions are shown.

9.78 The Council is also aware that the site is within the Chiltern Beechwoods SAC, next to AONB and the Green Belt.

9.79 The HCC Fire and Rescue are satisfied with the plans now provided and state that they comply with the safety requirements for access by emergency vehicles. There is no evidence that the plans submitted are incorrect.

Community Infrastructure Levy (CIL)

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

Chiltern Beechwood Special Area of Conservation

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

9.82 The Council has worked with Natural England and other relevant partners to agree a mitigation strategy which enables the Council to carry out their legal duties and grant residential development in the Borough. The mitigation strategy requires financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

9.83 The development would cause additional reactional pressure to the CBSAC and as such were consent to be granted mitigation would need to be secured via a legal agreement. It is noted that the site is outside the SAC exclusion zone.

PLANNING BALANCE

9.84 Paragraph 11 of the NPPF states the following:

11. *Plans and decisions should apply a presumption in favour of sustainable development.*

.....
.....
.....

For decision making this means:

....

d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*

....

ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.85 Footnote 8 clarifies that the presumption in favour of sustainable development is applicable where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

9.86 It is acknowledged that the Council cannot demonstrate a five year housing land supply and that the presumption in favour of sustainable development – otherwise known as the ‘tilted balance’ – is applicable in this instance.

9.87 However, as re-affirmed in the Court of Appeal case of *Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government [2021] EWCA*, the NPPF remains subordinate to the principle established in section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires decision makers to make their decisions in accordance with the development plan unless material considerations indicate otherwise.

9.88 The tilted balance remains a material consideration and essentially increases the chance of planning permission being granted, with decision makers looking more benevolently on such applications, but it does not guarantee that permission will be granted.

9.89 As not considered inappropriate under para 149g residential development is considered acceptable in this instance and there are no other planning matters which weigh in favour of a refusal such that planning permission should be granted.

10. CONCLUSION

10.1 The proposals are complicit with the development plan and National guidance when taken as a whole and material considerations are factored in, it is therefore recommended that the application be granted.

11. RECOMMENDATION

11.1 That the application 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:**

**Site Location Plan 2813.01A
Proposed Site Plan 2813.04 A
Proposed Elevations 2813.06
Proposed Floor and Roof Plans 2813.05
Fire Tender Access Plan 2813. FIRE**

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 and approved plans.**

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, CS12 and CS24 of the Dacorum Borough Core Strategy (2013).

4. **No development shall take place until a method statement that describes the 'reasonable avoidance measures' that will be put in place to reduce the risk of construction activities harming great crested newts within the development site. The method statement shall include:**

- **Purpose and objectives for the proposed works;**
- **The working methods to be adopted. These shall be proportionate to the level of risk;**
- **The area where the methods will be applied;**
- **The period of time these will be carried out and the people responsible; and**
- **The works shall be carried out strictly in accordance with the approved details.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Paragraph 174 of the National Planning Policy Framework (2021).

5. **Prior to occupation the installation of an integrated bat box in the new building and the introduction of night flowering plants as recommend in s7.13 & 7.14 of the PRA should be implemented and maintained in perpetuity.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Paragraph 174 of the National Planning Policy Framework (2021).

6. **Details of the proposed electric vehicle charging points and associated maintenance arrangement for the development shall be submitted to and approved in writing by**

the Local Planning Authority and thereafter implemented prior to first occupation in accordance with the agreed details.

Reason: To enable future occupiers to charge low emission vehicles in a safe and accessible way in accordance with Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraph 112 (e) of the National Planning Policy Framework (2021).

7. 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 in particular enhancing the existing vegetation immediately to the front of The Croft to reduce the amount of glare from headlights into the front windows and any loss of privacy that may occur from passing vehicles or pedestrians;**
- **minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and**
- **retained historic landscape features and proposals for restoration, where relevant.**

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

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

The approved landscaping scheme must be retained in perpetuity.

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).

8. No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system shall have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- (a) a timetable for its implementation; and,**
- (b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.**

The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of

surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 169 of the National Planning Policy Framework (2021).

9. **The development hereby permitted shall not be occupied until a scheme for the installation of sprinklers ('the sprinkler system') has been submitted to and approved in writing by the local planning authority. The sprinkler system shall be fully installed and operational prior to the occupation of any part of the development. The sprinkler system must be retained in the approved dwelling in perpetuity.**

Reason: To ensure that the layout of the residential development is provided with appropriate access and makes adequate provision for the fighting of fires in accordance with Policies CS9 and CS12 of the Dacorum Borough Core Strategy (2013) and Section 8 of the National Planning Policy Framework (2021).

10. **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:**

A, B, C, E and F

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the openness of the Green Belt and the protection of the neighbouring properties amenities in accordance with Policies CS5 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 149 and 150 of the National Planning Policy Framework (2021).

11. **No construction of the superstructure shall take place until details of proposed sustainability measures (a Sustainable Design and Construction Statement) within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

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

12. **The stables and summerhouse shall be demolished and the materials arising from demolition removed from the site (or the arising materials re-used or retained in a position on site as agreed by the Local Planning Authority in writing and thereafter retained) prior to the implementation of the development hereby permitted.**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the openness of the Green Belt and the protection of the neighbouring properties amenities in accordance with Policies CS5 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 149 and 150 of the National Planning Policy Framework (2021).

Reason: To accord with the approved plans and for the avoidance of doubt.

13. **The concrete yard around the stable and the gravel drive shall be removed and grassed prior to the commencement of use of the development hereby permitted.**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the openness of the Green Belt and the protection of the neighbouring properties amenities in accordance with Policies CS5 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 149 and 150 of the National Planning Policy Framework (2021).

Reason: To accord with the approved plans and for the avoidance of doubt.

14. **The development hereby permitted shall not be carried out and this permission shall become of no effect if the following permission:**

**4/01507/96/FHA Demolition of existing garages, store and conservatory. Erection of double garage and store and conservatory
Granted 6/2/97**

is at any time further implemented or built out.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the openness of the Green Belt in accordance with Policies CS5 of the Dacorum Borough Core Strategy (2013) and Paragraph 149 and 150 of the National Planning Policy Framework (2021).

Reason: To accord with the approved plans and for the avoidance of doubt.

15. **The permission hereby granted is an alternative to and not in addition to, either wholly or in part the following:**

**4/01507/96/FHA Demolition of existing garages, store and conservatory. Erection of double garage and store and conservatory
Granted 6/2/97**

No further part of the development referred to in the above permission shall be carried out if any part of the development hereby permitted has been implemented.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the openness of the Green Belt in accordance with Policies CS5 of the Dacorum Borough Core Strategy (2013) and Paragraph 149 and 150 of the National Planning Policy Framework (2021).

Reason: To accord with the approved plans and for the avoidance of doubt.

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led 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. In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method

statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.

3. Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:
Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.
4. Any soils, whether imported or site-won, to be used in the provision of soft landscaped gardens should be known to be chemically suitable (un-contaminated) for the intended end use and meet the requirements of BS3882:2015 and BS8601:2013.
5. 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.

6. Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.
7. 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. These measures may 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. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

8. 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>.
9. 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.
10. 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Fire & Rescue (HCC)	<p>Apologies again for the delay in this reaching you. Following information sent to us from Highways Agency, with regards to the above planning application, we have examined the drawings and note that the provision for access does not appear to be adequate to comply with the building regulations 2010. Please see below the guidance which should be met to allow access for fire crews in the event of a fire.</p> <p>ACCESS AND FACILITIES</p> <p>Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB) Vol 1, section B5, sub-section 13 including Table 13.1.</p> <ol style="list-style-type: none"> 1. Appliance access minimum width of the road between kerbs is to be 3.7m. Minimum width of gateways is 3.1 m 2. Access measures more that 45m from the furthest point inside the dwelling to the nearest stopping point for a fire appliance. The distance of 45m does not appear to being met, as the turning

	<p>facilities (see 4.) do not appear to be adequate. If this is the case, vehicular access can be increased significantly if a sprinkler system is installed and where the arrival time for the fire service is not more than ten minutes.</p> <p>BS 9991 - 2015 Residential Buildings 50.1.2 states: Where sprinklers, in accordance with BS 9251:2014 or BS EN 12845 (see 11.2, Table 2) are fitted throughout a house or block of flats:</p> <p>a) the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5 m above ground level) may be up to 90m;</p> <p>b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level).</p> <p>3. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes.</p> <p>4. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Diagram 13.1 in section B5. The plans do not appear to show an adequate area for turning a fire appliance. If this is not the case, please could the applicant submit a swept path analysis using an HFRS vehicle measuring 8.1m long and 2.9m wide.</p> <p>In essence, there are 2 options to provide access for an appliance:</p> <p>1) Provide turning that can be demonstrated (using a swept path analysis of the sized vehicle as specified in 4. above), in accordance with ADB Section B5.</p> <p>2) Provided a fire appliance could stop 20m into the access road as it approaches from the highway, the application would be meeting guidance if this dwelling were to be fitted throughout with sprinklers as detailed in 2. above)</p> <p>We hope the above information assists you and if you have any questions please do not hesitate to contact us.</p>
Thames Water	<p>Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.</p> <p>Should the details of the application change, we would welcome the opportunity to be re-consulted.</p>
Environmental And	<p>Having reviewed the application submission and the ECP records I am</p>

<p>Community Protection (DBC)</p>	<p>able to confirm that there is no objection on the grounds of land contamination. Also, because of the residential nature of the historical land uses associated with the application site there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>However, it is recommended that the following informatives are included on any permission that is granted. This reflects the fact that outbuildings, albeit of a domestic nature, are being removed and that the areas currently occupied by them restored to soft landscaped private garden.</p> <p>Contaminated Land Informative 1: In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p> <p>Introduction/reinstatement of Soft Landscaped Private Gardens Informative: Any soils, whether imported or site-won, to be used in the provision of soft landscaped gardens should be known to be chemically suitable (un-contaminated) for the intended end use and meet the requirements of BS3882:2015 and BS8601:2013.</p>
<p>The Chiltern Society</p>	<p>The earlier advice from the planning officer suggested that an application would be acceptable in principle subject to satisfactory consideration of impact and design.</p> <p>Whilst the existing building and plot lie within the CAONB, it is noted that these are long thin plots along this unmade road and several neighbouring plots have built additional dwellings in the plots.</p> <p>The concern here is the narrowness of the plot and impact on the road</p>

	<p>outside and the lack of car parking for the existing dwelling. The impact on the adjoining property Park House needs to be considered and mitigated if that is possible.. The access road is not suitable for parking, as there are vehicle users servicing the properties and also there are very well used rights of way by the public on foot many with dogs.</p> <p>The Chilterns Design Guide should be followed, In our view the siting of the dwelling and access/parking should be re designed if that is possible on the plot, and this application should be refused.</p>
Parish/Town Council	<p>NPC: OBJECTION. The existing access to be used to reach the new building appears to be too narrow to allow emergency vehicles to attend. The access drive itself is very close to the building on the west, Park House, to be acceptable for traffic to pass frequently, which was not the case previously. The plot itself lies within the Green Belt and the AONB.</p>
Natural England	<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) WITHIN 12.6 KILOMETRES</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.</p> <p>Please re-consult Natural England once this information has been obtained.</p> <p>When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.</p> <p>Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.</p> <p>Page 2 of 6</p> <p>The 12.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity</p>

of the SAC from the cumulative impacts of development.
In addition Footprint Ecology identified that an exclusion zone of within 500m of the SAC boundary was necessary as evidence indicates that mitigation measures are unlikely to protect the integrity of the SAC.

Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. The report identified several ways in which public access and disturbance can have an impact upon the conservation interest of the site, these included:

- o Damage: encompassing trampling and vegetation wear, soil compaction and erosion;
- o Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;
- o Fire: increased incidence and risk of fire; and
- o Other: all other impacts, including harvesting and activities associated with site management.

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

Natural England are working alongside all the involved parties in order to achieve a Strategic Solution that brings benefits to both the SAC and the local area to deliver high quality mitigation. Once the strategy has been formalised all net new dwellings within the 500m - 12.6km zone of influence will be expected to pay financial contributions towards the formal strategy. In the Interim we are looking for bespoke mitigation to avoid adverse impacts upon the SAC from recreational disturbance.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 62.

Landscape advice

The proposed development is for a site within or close to a nationally designated landscape namely Chilterns Area of Outstanding Natural Beauty (AONB). Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory

	<p>framework to guide your decision and the role of local advice are explained below.</p> <p>Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.</p> <p>Page 3 of 6</p> <p>Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.</p> <p>We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.</p> <p>The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.</p> <p>If you have any queries relating to the advice in this letter please contact the case officer Camilla Davidge at Consultations@naturalengland.org.uk. For any new consultations or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.</p>
Hertfordshire Ecology	<p>'No development shall take place until a method statement that describes the 'reasonable avoidance measures' that will be put in place to reduce the risk of construction activities harming great crested newts within the development site. The method statement shall include:</p> <ul style="list-style-type: none"> . Purpose and objectives for the proposed works; . The working methods to be adopted. These shall be proportionate to the level of risk; . The area where the methods will be applied; . The period of time these will be carried out and the people responsible; and <p>The works shall be carried out strictly in accordance with the approved</p>

	details.'
Environmental And Community Protection (DBC)	<p>With reference to the above planning application, please be advised Environmental Health would have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative 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>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Waste Management Informative 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</p>

on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Air Quality Informative.

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. These measures may 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. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/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-inva>

	sive-plants
Environmental And Community Protection (DBC)	<p>Elspeth,</p> <p>(Just confirming my earlier advice - see below)</p> <p>Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, because of the residential nature of the historical land uses associated with the application site there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>However, it is recommended that the following informatives are included on any permission that is granted. This reflects the fact that outbuildings, albeit of a domestic nature, are being removed and that the areas currently occupied by them restored to soft landscaped private garden.</p> <p>Contaminated Land Informative 1: In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p> <p>Introduction/reinstatement of Soft Landscaped Private Gardens Informative: Any soils, whether imported or site-won, to be used in the provision of soft landscaped gardens should be known to be chemically suitable (un-contaminated) for the intended end use and meet the requirements of BS3882:2015 and BS8601:2013.</p>

<p>Hertfordshire Highways (HCC)</p>	<p>Location THE CROFT NORTHCHURCH COMMON BERKHAMSTED HP4 1LR</p> <p>Application type Full Application</p> <p>Proposal AMENDED PROPOSAL Demolition of existing building and the development of the site to provide 1 dwelling (Use Class C3)</p> <p>Recommendation</p> <p>OTHER This is an other as the dwelling is not accessed via the adopted highway network. However, the new dwelling will be located greater than 45 metres from all parts of the adjacent access road to all parts of the proposed dwelling. Therefore, a 8.2 metre fire appliance will need to access the site and turn on site to access the proposed dwelling in case of an emergency. Consequently, we recommend that the LPA contact Herts Fire and rescue for comment and copy me in. Their email is administration.cfs@hertfordshire.gov.uk</p>
<p>Hertfordshire Highways (HCC)</p>	<p>This is an other as the dwelling is not accessed via the adopted highway network. However, the new dwelling will be located greater than 45 metres from all parts of the adjacent access road to all parts of the proposed dwelling. Therefore, a 8.2 metre fire appliance will need to access the site and turn on site to access the proposed dwelling in case of an emergency. Consequently, we recommend that the LPA contact Herts Fire and rescue for comment and copy me in. Their email is administration.cfs@hertfordshire.gov.uk.</p>
<p>Natural England</p>	<p>Natural England has previously requested further information on this proposal in our letter dated 2 November 2022, NE reference number 409945.</p> <p>The Habitats Regulations Assessment (HRA) is still needed by Natural England to determine the significance of impacts on the Chilterns Beechwoods Special Area of Conservation (SAC). Without this information Natural England may need to object to the proposal.</p> <p>Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.</p> <p>Please re-consult Natural England once this information has been</p>

	obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.
Parish/Town Council	<p>NPC objects to the application noting that the drive to the new property is longer than the required maximum of 45m from the access road and that the area shown for turning emergency vehicles is inadequate.</p> <p>The Council considers that the drawings shown are badly drawn and incorrect dimensions are shown.</p> <p>The Council is also aware that the site is within the Chiltern Beechwoods SAC, next to AONB and the Green Belt.</p>
Hertfordshire Highways (HCC)	<p>Recommendation OTHER</p> <p>This is an other as the dwelling is not accessed via the adopted highway network. However, the new dwelling will be located greater than 45 metres from all parts of the adjacent access road to all parts of the proposed dwelling. Therefore, previously we stated that a 8.2 metre fire appliance will need to access the site and turn on site to access the proposed dwelling in case of an emergency. The applicant has now proposed sprinklers. Consequently, we recommend that the LPA contact Herts Fire and rescue for comment and copy me in.</p> <p>Our comments are other owing to no relation for this dwelling to the adopted highway network. Therefore, we are happy to keep our other and within our response it recommends you contact herts fire and rescue. If you have done that then it is up to them to make a recommendation if the site is safe for fire access. Therefore, even with the additional plans of a swept path we would still recommend an other as it would be up to herts fire and rescue to decide.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
6	5	0	5	0

Neighbour Responses

Address	Comments
Westcroft Northchurch Common Berkhamsted	The proposed development is in the Green Belt and AONB. DBC should be totally against new houses in Green Belt and this AONB.

<p>Hertfordshire HP4 1LR</p>	<p>The area is NOT on mains drainage which the planners seemed unaware of on a previous adjacent development. Building more houses in this area will affect its semi-rural nature. Many walkers appreciate this everyday.</p>
<p>Berkhamsted House 121 High Street Berkhamsted Hertfordshire HP4 2DJ</p>	<p>I have previously objected to this application and those objections still stand. However, revised location and site plans have been submitted therefore further comments are required. The location plan appears to have been amended as the previous plan may not have corresponded to the Land Registry Plan. This is just a location plan so is of little interest.</p> <p>However, the revised Site Plan Ref: 2813.04A fails on many counts:</p> <ol style="list-style-type: none"> 1 A 'balloon' enlargement has been added for the front garden parking and bin stores. Unless the Agent has information on the availability of cars that are only 2.4 metres long, and that are acceptable to the Highways Authority, I suggest this is plan re-drawn. 2 The inaccurate scale mentioned in item 1 above makes the front parking area to The Croft appear considerably larger than it actually is as the cars are shown as 50% size. 3 Still no visitor parking/turning facilities shown on this plan. 4 Still no dimensions added. 5 Still no swept path/ widths/ radii shown for Fire Tender access. 6 Still none of the established boundary hedgerows shown - these must be retained and protected unless we are to see yet another development start works on site with the complete removal of all trees and vegetation. 7 A full topographical survey of the whole of the site of The Croft, (not just the proposed plot) showing trees, levels, dimensions, hedgerows etc. must be submitted for further comment together with an Ecology report including the effect of new foundations on tree and hedgerow roots, before any decisions are reached on this development. <p>I strongly object to this development for the many reasons I have listed below. Also, I object to the lack of accurate and detailed information that is needed to fully understand the scheme or appreciate the negative affect it will have upon the area and the safety of the occupants of the new dwelling.</p> <p>Any authority commenting on this application must insist upon a full topographical survey showing access track dimensions, overhanging roof eaves (that reduce access widths) and also show the abundance of established hedgerows and trees that would be affected by this development. This must be provided before any comments are provided:</p> <ol style="list-style-type: none"> 1 - A Fire Tender would not be able to reach the new dwelling. <p>The Building Regulations are strict on these issues for good reason and should be paramount in the decision making when assessing any new residential development. We have to adhere to current Fire Regulations not just for the safety of the families that would occupy the new home but also to protect the wildlife and the precious National Trust woodlands that surround this site.</p>

We are likely to experience continuing drought conditions in the summers ahead, therefore not being able to reach a fire could have dire consequences.

The Building Regulations Part B5: Access and Facilities for the Fire Service state that an access road must provide 3.7 metres between kerbs, 3.1 metres between gate posts and the furthest point/wall of a property from the Fire Tender, must not be more than 45 metres (based upon hose length).

The rear wall of the new dwelling would be 100 metres from the common access track that serves dwellings and that runs parallel to the front boundary of The Croft. I doubt that a Fire Tender could enter the front driveway of The Croft but even if it could then it would still be 84 metres from the rear wall of the dwelling.

The Fire Tender would not be able to pass between the flank wall of The Croft and the boundary to Park House. I was given permission by the owner of Park House to check this dimension and did so with a laser. There exists 2.9 metres at the narrowest point between the boundary fence and the flank wall of The Croft. However, the roof eaves of the Croft overhangs approx. 0.3 metres and is approx. 2.5 metres to the underside. This reduces the effective width to 2.6 metres. A Fire Tender is in the order of 3.1 metres high and as noted above, requires 3.7m between kerbs and 3.1m between gate posts. The Fire Tender would therefore have to stop at this point in the front driveway of The Croft and not be able to fight a fire in the new dwelling.

The Fire Department and Building Inspector must be provided with the actual dimensions on site prior to commenting on access for the Fire Tender.

It is not good enough to argue that the 1930's-built dwelling, Lymouth, to the north-west of the site has a narrow access driveway. The Fire Regulations have seen many updates since then, thank goodness. But it should be noted that the large dwelling called The Barn to the south-east of the site that was built within the last 10 years has a wide drive and entrance and considerable space in front of the house to turn a large vehicle. A Fire Tender appears to have adequate access to The Barn.

2 The Site Plan provided by the Agent is an enlarged copy of the Ordnance Map. As noted above, it completely lacks vital detail:
No parking shown to the retained house The Croft.

There is no on-street parking in this area therefore visitor parking spaces are essential to both dwellings - none is shown on the plan.

No sweep radii/reversing paths for cars or delivery vans shown.

The single small tree shown on the plan appears inaccurate. Looking from the rear garden of Park House, this tree has a much larger spread and reaches the boundary line.

No dividing fences are shown.

3 A full topographical survey is required showing all trees and hedgerows as these will be vulnerable to the development and so must

be recorded at application stage.

4 I note the Ecology Report appears to have been prepared without an existing tree and hedgerow plan having been provided. The plan should show the extent of the new development upon it. Only then can comment be made regarding potential tree and hedge root damage.

5 The Woodlands Officer's input and a site visit is vital.

6 Loss of amenity. The occupier of Park House and future occupiers of The Croft would have to experience a great deal of car movements to a new family home. The living room of Park House is only 1.35 metres from the access track so noise and vibration would be noticeable. I would image that currently the track is only used for occasional access to the domestic lightweight sheds at the end of the garden. The Agent states (point 4.26) that 'the proposal will not result in any significant loss of residential amenity to neighbours in terms of privacy, loss of light or overbearing impact'. I do not agree.

7 The Agent quotes (4.7) Para 149(g) of the NPPF as being relevant: 'limited infill or the partial or complete redevelopment of previously developed land, where redundant or in continuing use (excluding temporary buildings) which could not have a greater impact on the openness of the Green Belt than the existing development'

This is not 'previously developed land'. Neither a loose box nor a domestic shed can be considered to be anything other than temporary buildings and are therefore excluded from Para 149(g).

8 The Agent quotes (4.8) NPPF being reflected in Core Strategy Policy CS5 as being relevant in that it states 'provided that it supports the rural economy and maintenance of the wider countryside'
I am at a complete loss to see how yet another single dwelling in the Green Belt and Area of Outstanding Natural Beauty can benefit the rural economy and maintenance of the wider countryside in any way whatsoever.

9 The Agent notes (4.22) ' the generous spacing in this area of Northchurch Common provides a richness to the area's appearance'

Surely this is a strong reason not to allow infill backland development.

10 Policy Statement CS12 states: Each site development should:
Safe and satisfactory means of access for all users
Provide sufficient parking and space for servicing
Retain important trees etc.

(This development does not provide any of the above)

11 The Planning Officer's Pre-App comments apparently indicate encouragement. A full assessment of the application could not have been undertaken at that stage considering the lack of detailed essential information submitted with this application.

	<p>12 Please note that the Agent has ticked the box stating that the proposed use is not one that would be susceptible to contamination.</p> <p>A proposed new family home with young children playing in the garden is likely to be at the top of the list regarding susceptibility to contaminated ground. Garden sheds housing weed killers and the like always dictates the need for a full contamination report.</p> <p>13 Traffic and dwelling numbers. I would suggest that Highways comment regarding the steep winding single access (average only 2.7 metres wide) that leads from New Road. It serves all the dwellings on Northchurch Common and surely there must be a limit to how many more it can take.</p> <p>14 I do not wish to see this spacious semi-rural woodland part of the common, the Green Belt and the AONB succumb to development. I therefore ask the planning department to reject this application.</p> <p>I previously commented and objected to this proposal for many reasons. I note that the applicant's agent has subsequently submitted a 'Fire' drawing number, no. 2813.FIRE. This drawing is based upon an OS map that does not accurately reflect dimensions on site. I was able to check the distance between the flank wall of The Croft and the boundary fence to Park House. This measures 2.9 metres, however the roof eaves of The Croft overhangs 0.3m and is only 2.5m above ground level so effectively reducing the width for a fire tender to 2.6m.</p> <p>Submitted plan 2813.FIRE shows a written dimension of 3.8m which is considerably more than that on site. Furthermore, a fire tender cannot turn within the front area of The Croft.</p> <p>The correct dimension must be added to this drawing and must include the written dimensions of the front existing driveway and the vehicles within it. As mentioned by other consultees, accurate swept paths are required and checked on site before any decisions are reached on this application.</p> <p>I previously commented that this drawing is lacking information and is inaccurate as well as not showing any of the wide hedgerows etc. The drawing therefore gives the impression that there is much more space than actually exists.</p>
<p>14 Massey House Brook Street Tring Hertfordshire HP23 5AX</p>	<p>My reasons for objecting are:</p> <p>1. The area is known as an area of outstanding natural beauty and is used by many people to walk their dogs, in addition to families using it for walking. The increase in traffic (caused by the building of a new</p>

	<p>dwelling) will potentially be dangerous for both dogs and children, both of which run freely when walking there.</p> <p>2. The newly proposed property is potentially a grave Health & Safety risk. Specifically, given the dimensions of the access point to the newly proposed property, which is very narrow, when taking the close proximity of the existing property (The Croft) to the neighbouring property, (Park House), in the event of a fire at the new property, it will be impossible for a fire engine to reach this property. This could lead to a loss of life.</p> <p>3. The road leading to the existing property (and neighbouring properties) is not a "made" road and its condition is likely to deteriorate further by the increased use of traffic.</p> <p>4. The existing road is very narrow and has very limited parking or manoeuvrability for vehicles, particularly larger ones such as vans. The new property will worsen this situation and will increase both congestion and parking ability.</p> <p>5. There will be a significant invasion of privacy for one of the existing properties, given the close proximity of the new property to it. All of the existing properties were originally built on plots which allowed for sufficient space between properties. This will not be the case with the new property, leading to residents being able to see into the rooms of their neighbour's houses.</p>
<p>Park House Northchurch Common Berkhamsted Hertfordshire HP4 1LR</p>	<p>Regarding the further plans added on the 29th Nov , all the issues still exist and it appears the front Garden looks bigger and the parking looks enlarged to what space will be available. No change for the very narrow access. Fencing still not included for the boundary of the croft , Still issues with the entrance from the unmade road into the narrow access for cars delivery vans. Still no visitor's parking and turning for the new dwelling. My objection still remains. Northchurch Common is part of the Green Belt and is an area of outstanding natural beauty. I strongly object to the proposed Planning Application (Reference: 22/03037/FUL) for a new dwelling in the garden of the property named "The Croft" in Northchurch Common. My reasons for objecting are:</p> <p>1. Loss of amenities and detriment to the enjoyment of my property (Park House): This includes the adverse impact of noise pollution, air pollution (from increased exhaust fumes from vehicles) and vibrations from the increased volume of traffic to the new dwelling (which will include delivery vans and cars). This increased traffic in a very narrow access will also lead to a loss of privacy, given the close proximity of the proposed driveway to my property. In addition, there will be a loss of light resulting from the construction of the new property.</p> <p>2. The proposed Plan does not show any parking for "The Croft" and the parking (and room for turning) shown on the plans for the new</p>

dwelling is inadequate. The increased volume of traffic will, therefore, lead to congestion. This congestion will be exacerbated by the fact that there is no "on-street" parking in the vicinity.

3. In the 16 years that I have lived on the Common, accommodation for horses has never been used in "The Croft". The use of the sheds is limited to domestic use for the storage of tools and furniture.

4. The sheds vary in height between 3.3 metres and 4.3 metres. The new dwelling exceeds these measures and, being substantially higher at 6 metres in height, will be visible over the hedges. In addition, all of the hedgerows, trees and additional fencing are missing from the Plan.

5. Does the normal domestic use of wooden sheds mean that a family home can be built on the Green Belt and an area of outstanding natural beauty?

6. The parcel of land opposite the properties is owned by the Council and is rented by the occupants of "Woodcroft" (a different neighbour on Northchurch Common).

7. The land on which the proposed house is to be built on should not be considered as "previously developed" and, therefore, cannot be used as a Planning reason to justify residential development.

8. The proposed access to the new property is extremely narrow. For this reason, the plot cannot be compared to the other properties listed in the Planning Application because they have more than adequate width of access and far more space.

9. The information on the Planning Application is extremely limited.

10. If Planning Permission is given to this proposed new property, it will set a precedent for other houses to be built on Northchurch Common's Green Belt, an area of outstanding natural beauty.

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<p>Brackenhurst Northchurch Common Berkhamsted Hertfordshire HP4 1LR</p>	<p>I am concerned about the water supply to the area. Affinity water say there is only a small water pipe coming uphill to all the properties, we seem to have to boost our individual supplies. Please can this be looked into with the water company before anyone else gets planning permission in this postcode area</p>