

ITEM NUMBER: 5b

23/00413/FUL	Construction of dwelling	
Site Address:	Land East Of Cyrita, Hogpits Bottom, Flaunden, Hertfordshire	
Applicant/Agent:	Staunton BC	DLA Town Planning Ltd
Case Officer:	Patrick Doyle	
Parish/Ward:	Flaunden Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Due to contrary views of Parish Council and call in from ward Councillor Riddick	

1.1 That planning permission be DELEGATED with a view to APPROVAL subject to appropriate conditions and an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to prevent harm to the Chiltern Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

2. SUMMARY

2.1 On balance the development the proposed development is considered to meet one of the defined exceptions for development within the Green Belt, constituting limited infill within a village. The proposed scale and design is considered appropriate to the plot and locality whilst preserving good quality living conditions of neighbouring properties overall. The potentially adverse impacts of the development can be mitigated against through the use of conditions and legal agreement.

3. SITE DESCRIPTION

3.1 The site is located on the southern side of Hogpits Bottom opposite the entrance to Flaunden Park and between the residential units of Cyrita and The Orchards. The site does not appear to fall within the curtilage of Cyrita, but acts as an area of open space alongside the property. There is a public footpath alongside the eastern boundary of the site extending to St Mary Magdalene Church within Flaunden village.

3.2 Hogpits Bottom comprises a variety of detached residential units to the north of the main village of Flaunden and to the west of the Bricklayers public house. A new dwelling is currently under construction at Bag End and approximately 100m to the east of the site.

4. PROPOSAL

4.1 This application seeks the construction of a new detached four bedroom chalet bungalow with associated access, parking and landscaping.

5. PLANNING HISTORY

Planning Applications:

22/00939/FUL - Construction of a dwelling.

REFUSED - 16th June 2022

22/02586/FUL - Construction of dwelling
REFUSED - 25th November 2022

4/00066/19/FHA - Proposed single width garage to side of existing House.
GRANTED - 7th March 2019

4/00474/10/FHA - Two storey and single storey rear extensions and front porch
GRANTED - 12th May 2010

22/00939/FUL - Construction of a dwelling.
REFUSED - 16th June 2022

22/02586/FUL - Construction of dwelling
REFUSED - 25th November 2022

Appeals:

23/00005/REFU - Construction of dwelling
PENDING

6. CONSTRAINTS

CIL Zone: CIL2
Green Belt: Policy: CS5
Heathrow Safeguarding Zone: LHR Wind Turbine
Parish: Flaunden CP
RAF Halton and Chenies Zone: Green (15.2m)
Parking Standards: New Zone 3
EA Source Protection Zone: 3
EA Source Protection Zone: 2

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
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Soil, and Water Quality
CS35 - Infrastructure and Developer Contributions

Dacorum Local Plan

Saved Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Saved Appendix 3 - Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents

Parking Standards (2020)
Planning Obligations (2011)
Environmental Guidelines (2004)
Energy and Conservation
Water Conservation
Landscape Character Assessment
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Background

9.1 The site has been subject of several planning applications which have been refused, most recently 22/02586/FUL, which was refused on the following grounds:

- 1. The proposed development, in view of its design, site coverage, scale, mass and height would appear cramped and incongruous to the pattern of development locally and the wider character and appearance of the area in which it is located. The proposed development is poor quality and would cause substantial harm to the rural character and appearance of the area and harm to the appearance of the Green Belt contrary to the NPPF and Policies CS5, CS6, CS10, CS11 and CS12 of the Core Strategy.*

2. *The proposed development would have a detrimental impact on the safety of users of the adjacent bridleway contrary to Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)*
3. *The application does not provide sufficient information to satisfy the council, as competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation and there are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to the requirements of the Habitats Regulations 2017 and 2019, the NPPF and Policies CS25 and CS26 of the Core Strategy.*

9.2 This decision is subject of an appeal lodged with the Planning Inspectorate and awaiting a decision.

9.3 To address the concerns from the previous refusal the following changes have been made:

- Relocation of the access away from the bridlepath
- Change in house type from being two storeys, to being a bungalow with rooms in the roof space.
- Reduction in ridge height of the property by 1.2m
- Significant reduction in the eaves height of the property by 2.5m, 50% of their previous height.
- Reduction in width of the property by 0.5m

9.4 Following discussions during the application further amendments to the plans include:

- Removal of side facing dormer, to improve space/sky gap between proposed development and neighbouring dwelling Cyrita.

9.5 If the application was likely to be approved the applicant has indicated a willingness to enter into a legal agreement to secure appropriate mitigation funding for the potential effects upon the Chiltern Beechwood Special Area of Conservation

Principle of Development

9.6 The application is located within the Metropolitan Green Belt. The Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The concept of "openness" is a broad policy concept understood to have a spatial and visual aspect, relevant to the underlying aims of the Green Belt policy is "to prevent urban sprawl by keeping land permanently open" and wider five purposes outlined in NPPF paragraph 138. It is not necessarily a statement about the visual qualities of the land, though in some cases that might be an aspect of the planning judgement involved. It is held to mean a general absence from inappropriate forms of development.

9.7 Paragraph 147 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except unless very special circumstances exist.

9.8 Policy CS5 of the Core Strategy (2013) seeks to protect the openness of the Green Belt in accordance with national policy. Paragraph 149 of the NPPF (2021) states that the construction of new buildings within the Green Belt is inappropriate development. However, a number of exceptions to this are listed, one of which being “limited infilling in villages”.

9.9 Generally limited infilling implies the infilling of a small gap in an otherwise built up frontage (appeal ref: 3261261, para.10 pg.2). The Core Strategy (2013) defines ‘limited’ as development which does not create more than two extra dwellings. However, it is also noted appeal decisions within borough have allowed up to five dwellings under the limited infilling provision. The provision of 1 dwelling is considered to be limited infilling, if located within a village.

9.10 Flaunden or its wider environs is not listed as small village within the Green Belt under Policy CS6 with only Chipperfield, Flamstead, Potten End and Wigginton being listed under this policy. However, recent appeal decisions have shown that the boundaries contained within the Development Plan are not determinative and an on the ground assessment should take place in order to determine whether a particular site is located within a built up settlement.

9.11 Consideration is also given to conclusions reached by the Planning Inspectorate in case APP/A1910/W/17/3185846 (Bag End, Hogpits Bottom, Flaunden) and judgements referred to in *Lee Valley Regional Park Authority v Epping Forest District Council* [2015] EWHC 1471 (Admin) and *Lee Valley Regional Park Authority, R (on the application of) Epping Forest District Council and Anor (Rev 1)* [2016] EWCA Civ 404 regarding these issues.

9.12 The proposed dwelling would be located between dwellings in Hogpits Bottom and would be within the ribbon of development extending to the north of Flaunden. It would clearly infill a gap between properties in this location. In light of the appeal decision at Bag End, it is considered the application site is within a wider definition of the village of Flaunden.

9.13 It would therefore appear to constitute spatially an appropriate form of development within the Green Belt. In this case given the siting, open aspect of the field and proximity to bridleway, the site contributes to the visual qualities of openness of the Green Belt at broad policy concept level and it is appropriate to consider the visual impacts of the development consistent with the Samuel Smith supreme court judgement (*Samuel Smith Old Brewery (Tadcaster) & Ors, R (on the application of) v North Yorkshire County Council* [2020] UKSC 3). Whilst NPPF paragraph 149 enables the limited infilling of villages this is also to be balanced with NPPF paragraphs 137 and 138 and 148 of the NPPF which seeks to retain the essential characteristics of the Green Belt it’s permanence and openness and also to give substantial weight to any harm to the Green Belt.

9.14 The extent of the residential curtilage accords with the established line of neighbouring rear gardens and is considered appropriate in the context of infill within the

village. The house is appropriate in scale and sufficient space is retained around the dwelling and a condition requiring appropriate planting will ensure the fundamental aims of the green belt will not be undermined when balanced with the limited infilling nature of the development.

9.15 The proposed development is considered to be acceptable in principle subject to meeting the objectives of other relevant policies of the development plan.

Quality of Design / Impact on Visual Amenity

9.16 Saved Appendix 3 of the Dacorum Local Plan (2004), Policies CS11 and CS12 of the Core Strategy (2013) and paragraph 130 of the NPPF (2021) all seek to ensure that any new development will function well and add to the overall quality of the area. Proposals should be visually attractive and sympathetic to local character, respecting adjacent properties in terms of scale, massing, materials, layout, bulk and height. Paragraph 134 of the NPPF states "Development that is not well designed should be refused".

9.17 The creation of high quality, beautiful and sustainable buildings and places is fundamental to the planning process as set out in Chapter 12 of the NPPF and is reflected in the strong policy framework objectives for good design. Policies CS10, CS11 and CS12 of the Core Strategy indicate that the design of individual buildings should reflect the scale, density and character of the areas in which they would be located with Policy CS12 placing an emphasis on having an appropriate relationship with neighbouring properties in terms of layout, site coverage, scale, height, bulk, materials and landscaping. In this case, the proposed dwelling also needs to have an appropriate relationship with the adjoining countryside and with particular attention to the impact of the proposals upon the use of the adjacent bridleway.

9.18 Policy CS6 refers to villages within the Green Belt and states development should be sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale and landscaping. Development should also retain and protect features essential to the character and appearance of the village.

9.19 Following the refusal of planning applications 22/00939/FUL and 22/02586/FUL, the applicants have attempted to address concerns with the design of the proposed development and its cramped built form by reducing the overall height, eaves height of the proposed dwelling and providing a dual pitched roof, with side dormer, creating a chalet style bungalow. The space between the proposed dwelling and Cyrita has also been increased by 0.5m whilst the boundary treatment to the adjacent bridleway has been softened by the introduction of soft landscaping.

9.20 The use of the chalet bungalow design with dual pitched roof opens up an appropriate visual break between the development and Cyrita and allied to reduced scale avoids a cramped appearance and sits within the plot more comfortably than previous applications.

9.21 There is varied form and character in the styling of the housing in the street but generally plots have a wider and spacious character between and amongst the plots. Now, the house appears to sit more comfortably within the plot and in particular with

appropriate spacing at first floor level, the proposals are not considered to detract from the overall quality or character of the area. Those dwellings that are sited on smaller plots, maintain a degree of spaciousness by their single storey built form and use of hipped roofs; with accommodation being provided within the associated roof space. Hogpits Bottom is described in the above appeal decision as being “characterised by detached dwellings on large spacious plots” The Inspector notes a “strong verdant character” and “generous open gaps between dwellings and neighbouring properties”. The reduction in height and low eaves, chalet bungalow design and the removal of the large side dormer facing Cyrita during the application, allows the proposals to retain a sense of sky gaps and spaciousness between the adjoining buildings, not inconsistent with other smaller plots within the streetscene and wider settlement.

9.22 Landscape details and enhancements can be secured to ensure the verdant character of the locality is maintained and mitigate any loss of planting through the creation of the access and clearance of vegetation on site.

9.23 The use of materials will be important to the overall character and appearance of the building and design, the use of large areas of glazing is a modern approach to design but in itself is not considered intrinsically harmful to the character, noting the lack of uniformity of design as a prevailing characteristic. The use of high quality brickwork is proposed and this will be reviewed and secured by condition. Roof materials have not been specified on plans but the use of good quality clay tile would be appropriate to the local character and again to be reviewed and secured by condition.

9.24 Given the siting in the development and rural aspect beyond the site and overall character of the streetscene and locality has been a significant consideration in forming the view it is appropriate to remove permitted development rights. In particular large scale additions to the dwelling especially to its roof possible under permitted development rights, such as large box dormers in the roof slope and large single storey additions and outbuildings which may lead to a cramped character and detract from local character and green belt principles of development. Likewise additional hardstanding and means of enclosure would further erode the character of the plot and locality including undermine the semi-rural aspect and green belt designation.

9.25 There shall be no enlargement of the dwelling or the construction of additional outbuildings or hardstanding or development falling within the classes A, B, C, E, F, G of part 1 or Class B of part 2 the Town and Country Planning (General Permitted Development) Order 2015 (as amended) shall be carried out without the prior written approval of the Local Planning Authority.

9.26 As such, the removal of permitted development rights outlined is reasonable and necessary.

9.27 Overall the proposals are considered to be of an acceptable appearance and impact upon the broader locality consistent the objectives of policies CS10, CS11 and CS12 of the Core Strategy and the NPPF.

Impact on Residential Amenity

9.28 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.

9.29 Consistent with saved policy appendix 3, Building research establishment report "Site Layout for Daylight and Sunlight" is a useful starting point to indicate if a development will likely have a negative impact upon daylight/sunlight issues. The proposed dwelling would be arranged so as to respect the 45 and 25 degree principles and have adequate spacing between them so as to avoid loss of outlook, privacy and receive good daylight and sunlight to habitable rooms and amenity space. Good quality living conditions would be maintained for neighbouring dwellings.

9.30 Some rearward views over gardens from first floor windows is not deemed harmful given the broader residential context, however directly facing windows such as those in the side elevations could have harmful impact upon privacy affording direct and untypical views into adjacent properties. To avoid this these windows shall be conditioned to be obscure glazed and non-openable below 1.7m above finished floor level (with the exception of emergencies e.g. for fire escape). It is noted the presence vegetation between Cyrita and the Orchards, however these fall outside the control of the applicant and their longevity cannot be guaranteed.

9.31 Whilst the above condition may prove sub-optimal outlook for new occupiers of bedroom three, overall the property would benefit from good outlook. Bedroom 1 side dormer window is a secondary window and primary outlook would be maintained to the rear facing window. Whilst bedroom 4 on the ground floor has window facing Cyrita, it is unlikely to afford any harmful views due to boundary treatment separating the property. The outlook for future occupiers will be compromised by such an arrangement but as it is secondary bedroom and the overall quality of accommodation on offer it is not considered a reason to withhold planning permission.

9.32 The proposal has had regard to the Technical housing standards - nationally described space standards which is a material consideration and an indicator if adequate floorspace is being provided for the new dwellings in relation to potential number of occupants/bedroom numbers. For 4bed 8 person dwelling over 2 storeys a minimum of 124 sq.m of floorspace should be provided. The proposed dwelling is in excess of this requirement (150 sq.m).

9.33 Garden size is generous for the house and affords ample opportunity for outdoor amenity.

Impact on Highway Safety and Parking

9.34 NPPF paragraph 111 states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

9.35 Core Strategy Policy CS8 requires amongst other things to ensure well integrated and connected transport system, other forms of transport should be prioritised over the motor vehicle, create after footpath and cycle networks, improve road safety and safeguard residential amenity and highway safety and maintain the rural rights of way network. Whilst Core Strategy policy CS12 seeks safe and accessible forms of development for all. The development is located amongst other residential dwellings and would have accessibility to facilities of Flaunden and other nearby settlements such as Chipperfield akin to its neighbours. Whilst there would be some reliance on private motor vehicle the location is considered sustainable in the village setting context.

9.36 The site is located within parking zone 3 as defined by the Parking Standards SPD (2020). The proposals would provide a large area of hardstanding capable of accommodating 3 cars with room to come and go in a forward gear. This is in line with the requirements of the Parking SPD.

9.37 Parking provision is expected to be provided with electric charging points. This is now a building regulations requirement and is unnecessary to use in a planning condition.

9.38 Secure bicycle parking should be provided with each dwelling. A secure cycle store is included on plans.

9.39 The highway authority do not foresee any detrimental impact to the highway from the proposals subject to conditions requiring the access to be built to approved standard.

9.40 This development site abuts Flaunden bridleway 1 along the entirety of the site's eastern boundary.

9.41 The proposed access for the property is now for an access independent of the bridleway, whereas previously a shared surface was proposed. This removes potential safety concerns for access both during any development phase and thereafter of previous applications. The Countryside access and rights of way officer does not raise any objections although would encourage boundary planting along the shared path with the bridleway as opposed to more suburban style close-board fencing and that any such planting should be within the plot so as not to narrow or impede the bridleway. This can be secured by condition.

9.42 Any matters relating to ownership and rights of way are a civil matter outside the scope of consideration of the planning permission and for the developer to ascertain certainty over all legal rights and obligations are fulfilled before embarking on development.

9.43 No adverse impacts on the safe and efficient flow of the highway have been identified by the highway authority. The developer would have to enter into an agreement with the Highway authority for the provision/alteration of dropped kerbs. The proposals overall are unlikely to give rise to unacceptable or severe impacts to the highway and are therefore considered complicit with the aims of Core Strategy policy CS8 and CS12.

Trees and Landscaping

9.44 The LPA Tree officers have made an assessment of the trees and note none of the trees to be removed are not capable of being protected by a preservation order and of limited quality. Retained trees could be adequately protected subject to appropriate conditions. There is scope for replacement planting across the broader site, in addition to other landscape enhancements which could be secured by condition if the application were to be approved.

9.45 Residents have highlighted the premature removal of a tree prior to the submission of the application. As the tree was not present at the time of the application and there are not other statutory protections for the tree, limited weight can be given to the previous presence of the tree.

9.46 Officers do not raise any concerns with the removal of any trees in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011. A plan showing how trees would be protected during construction has been submitted and this plan is considered to be appropriate to be conditioned. Landscaping of the site is likely to provide compensation for any loss in trees/soft landscaping and further details of this could also be secured by condition.

Sustainability

9.47 Sustainable building design and construction is an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. The Council therefore expects all new developments to meet a high standard of sustainable design. There is limited information provided in relation to the requirements of policies CS29, CS31 and CS32 of the Core Strategy and therefore further information should be provided by condition.

Ecology

9.48 Decision makers must have regard to their duties to protect wildlife under other sources of legislation including:

- The Environment Act 2021
- The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
- Wildlife and Countryside Act 1981 as amended.
- Countrywide and Rights of Way Act 2000.
- Natural Environment and Rural Communities Act 2006.

9.49 Paragraphs 174 and 179 of the NPPF and the Core Strategy Policies CS26 and CS29 seek to enhance ecology, biodiversity and natural environment on development sites.

9.50 The site appears to be well connected via tree lines and hedgerows to adjoining semi natural areas and the surrounding countryside. The applicant has submitted a Preliminary Ecological Appraisal and Protected Species Assessment by a suitably qualified and experienced ecologist to consider the nature of the site and extent of any impacts on habitats or species of conservation significance.

9.51 The habitats on site are predominantly scrub which would have importance in the immediate vicinity for invertebrates and birds however, no notable, rare or protected habitats were found to be present. The Council's Ecologist has no reason to disagree with this assessment. It is recommended that native hedgerow species should be utilised in any landscaping to retain some of the existing biodiversity value of the site. The ecological report includes recommended enhancements which would provide an ecological improvement to the existing scheme including the inclusion of an integrated bird or bat box as part of the proposed property. The recommendations of the ecology report can be conditioned so as to secure ecological enhancements to the site.

9.52 Due consideration to wildlife, habitats and protected species consistent with the legislation and Core Strategy policies CS26 and CS29 and the NPPF has been given and the development considered acceptable in this regard.

Other Material Considerations

Contamination

9.53 The Council's scientific officer has confirmed that there are no objections to the proposals on grounds of contamination.

Drainage and Flood Risk

9.54 The Parish Council have indicated that the fields and bridleway in this location are subject to flooding. This comment appears to relate to concerns with surface water run-off from the south of the site. This would need to be mitigated by an appropriate drainage strategy for the site which could include SuD solutions. Such matters should be secured by condition in the event of approval.

Services Accessibility

9.55 Given the proximity to the public highway emergency access should be achievable.

9.56 Waste collection would be accessible from placing bins at the roadside on collection day.

Tilted Balance

9.57 It is acknowledged the Council do not currently have a 5 year land supply and the contribution of 1 dwelling would make a modest but valuable contribution to the local housing choice and supply. Paragraph 11(d)(i) of the NPPF states that the presumption in favour of sustainable development should be engaged unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. However footnote 7 also makes clear this presumption in favour of sustainable development does not apply in designated areas such as Green Belt.

9.58 Paragraph 12 goes on to state “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.”

Chilterns Beechwoods Special Area of Conservation

9.59 As part of its ongoing work to prepare the Local Plan, Dacorum Borough Council is required by law to undertake a Habitats Regulations Assessment (HRA) to understand the impacts that current and planned future growth is having on sites designated under the Habitats and Birds Directive. Evidence gathered to date concludes that the integrity of the Chilterns Beechwoods SAC, particularly at Ashridge Commons and Woods SSSI, is being harmed as a result of public access and disturbance.

9.60 Natural England recognises that there could be a serious potential conflict between the plans for any new housing development in the area surrounding the Chilterns Beechwoods SAC, and the conservation objectives for the protected features there. As such, a mitigation strategy needs to be developed to offset the current harm to the sites .

9.61 The application site resides within the Chilterns Beechwoods ‘zone of influence’, therefore following advice from Natural England, a mitigation strategy is needed, which sets out the actions necessary to protect the SAC from both existing and future pressures. At a meeting held on 15 November 2022, Dacorum Borough Council Cabinet approved the Chilterns Beechwoods Special Area of Conservation Mitigation Strategy. It also approved two Suitable Alternative Natural Greenspace (SANG) Management Plans for Bunkers Park and Chipperfield Common.

9.62 The new Mitigation Strategy sets out targeted measures to protect the site and to accommodate the predicted pressures associated with future growth within the 12.6-kilometre Zone of Influence that extends from Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). These measures will be delivered through a range of projects by the National Trust over a period of around 80 years (to 2102-2103).

9.63 The National Trust has confirmed that these Strategic Access Management and Monitoring (SAMMS) measures will cost a total of £18.2million. This cost will be shared across all of the affected local authorities. In Dacorum, this means that developers will be required to pay a tariff for each new home built.

9.64 To help to reduce recreational pressures on Ashridge Commons and Woods, alternative green spaces need to be identified. All new developments within the Zone of Influence will need to make provision for a new Suitable Alternative Natural Greenspace (SANG), or alternatively contribute towards the maintenance of a suitable SANG project elsewhere.

9.65 Larger developments (10 or more new homes) must be located close to a suitable SANG. Smaller developments can contribute towards an existing SANG. Developers that are unable to provide a suitable new SANG will be required to make a payment to us towards the long-term management and maintenance of these sites.

9.66 The proposed development would be eligible to financially contribute to the two SANG Management Plans for Bunkers Park and Chipperfield Common, which would be secured via legal agreement should planning permission be granted.

9.67 The applicant has confirmed their intention to enter into legal agreement to secure appropriate mitigation to the Chilterns Beechwoods Special Area of Conservation should the application be found acceptable.

9.68 On this basis the proposals could be acceptable with Policies CS25 and CS26 of the Core Strategy, NPPF and Habitat regulations.

Response to Neighbour Comments

9.69 Any material planning matters raised have been addressed above.

Community Infrastructure Levy (CIL)

9.70 All new developments are expected to contribute to the cost of the on-site, local and strategic infrastructure required to address the needs arising from the development in accordance with Policy CS35 of the Core Strategy. In most instances, such contributions will extend to the payment of the Council's Community Infrastructure Levy (CIL) and required sums for SAMM and SANG. The proposals would be CIL liable if approved and appropriate charges will need to be levied in accordance with the adopted Charging Schedule at the index linked rate relevant at the time of commencement.

10. CONCLUSION

10.1 On balance the proposed development is considered to meet one of the defined exceptions for development within the Green Belt, constituting limited infill within a village. The proposed scale and design is considered appropriate to the plot and locality whilst preserving good quality living conditions of neighbouring properties overall. The potentially adverse impacts of the development can be mitigated against through the use of conditions and legal agreement.

11. RECOMMENDATION

11.1 That planning permission be **DELEGATED** with a view to APPROVAL subject to appropriate conditions and an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to prevent harm to the Chiltern 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 (unless otherwise required by any other condition associated with this Planning permission):**

**NA 220102 2PL-101C
NA 220102 2PL-201C
NA 220102 2PL-301C
NA 220102 2PL-302C
NA 220102 SK-401
TPP_LCLLFH_010 B - Tree protection plan
Arboricultural Report
Cherryfield Ecology Report - Recommendations and Recommended Enhancements and Mitigation**

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

3. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. **No construction above ground level 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, including gates;**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**

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

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5; years from planting fails to become established,

becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development, its contribution to biodiversity and the local environment and neutralise impact upon the Green Belt, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS1, CS6, CS12 (e) of the Dacorum Borough Council Core Strategy (2013) and the NPPF

5. **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) there shall be no enlargement of the dwelling or the construction of additional outbuildings or hardstanding or development falling within the classes A, B, C, E, F, G of part 1 or Class B of part 2 the Order shall be carried out without the prior written approval of the Local Planning Authority.**

Reason: To ensure the principle of development which justified this development is not undermined and no additional harm is further arises to the openness and purposes of the Green belt and enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS1, CS5, CS6, CS10, CS11 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 and chapter 13 – *Protecting Green Belt Land* of the National Planning Policy Framework (2021).

6. **No development shall take place until details of surface water drainage works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include an assessment of the potential for disposal of surface water by means of a sustainable drainage system. Where a sustainable drainage system is to be provided, the submitted details shall include:**

- (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;**
- (b) include a timetable for its implementation; and,**
- (c) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme 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).

- 7. The development shall not be occupied until the recommendations of the Cherryfield Ecology report for the enhancement of the site for biodiversity purposes, are implemented. An integrated bird and/or bat box shall form part of the development. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.**

Reason: To enhance local wildlife and the natural environment, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Paragraph 174 of the National Planning Policy Framework (2021).

- 8. Windows at first floor level in the side elevations shall be obscure glazed and non-opening (except in the cases of emergency escape) below 1.7m above finished floor level.**

Reason: In the interest neighbouring amenity (privacy) and to secure high standards of amenity in accordance with Core Strategy policy CS12 and NPPF paragraph 130.

- 9. Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 2PL- 101 C in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy policies CS8 and CS12 and the NPPF.

- 10. No construction of the superstructure shall take place until details of proposed sustainability measures 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).

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. Biodiversity enhancements could be incorporated into the development proposal. These could be in form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for swifts, swallows and martins, refuge habitats (e.g. log piles, hibernacula) for reptiles at the site boundaries, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.
3. All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
4. 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.
5. 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.
7. In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours - 07:30 to 17:30 on Monday to Friday, 08:00 to 13:00 on Saturday and no works are permitted at any time on Sundays or bank holidays.

8. The attention of the Applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
9. Under no circumstances should waste produced from the development 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. AN 1) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

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

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

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

Further information is available via the County Council website at:

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

AN 3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:

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

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

AN 5) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

6. In the event that ground contamination is 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 because, the safe development and secure occupancy of the site lies with the developer.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Flaunden Parish Council	<p>The application relates to the construction of a four bedroom dwelling in the Green Belt. The proposed development is in a field which extends into open fields to the south, with the road, Hoggits Bottom to the north. There has never been any built form on the site and previous applications to build here have been turned down. The site is very narrow with Cyrita to one side and a busy bridleway to the other. We believe that the site is too narrow to support development without causing harm to the openness, character and appearance of the area.</p> <p>This proposed development claims to have been modestly</p>

reduced in scale from the previous application (22/02586/FU which was refused. One of the reasons for refusal of the prior application was that:

"The proposed development, in view of its design, site coverage, scale, mass and height would appear cramped and incongruous to the pattern of development locally and the wider character and appearance of the area in which it is located. The proposed development is poor quality and would cause substantial harm to the rural character and appearance of the area and harm to the appearance of the Green Belt contrary to the NPPF and Policies CS5, CS6, CS10, CS11 and CS12 of the Core Strategy.
"

Flaunden Parish Council remain of the view that the development would be cramped in the site and at odds with the pattern of development on this side of the road, which generally has a wider and more spacious character between and amongst the plots. The inspector commented in the Appeal Decision relating to Bag End (Appeal Decision ref: APP/A1910/W/17/3185846) that Hogpits Bottom has a "strong verdant character" and "generous open gaps between dwellings and neighbouring properties". This proposed dwelling is too large for the site and has a negative impact on the character and appearance of the area. The application does not support, protect and enhance the Green Belt and damages the existing character of the village.

L)

The applicant states (1.3.2 of the Planning Statement) that the proposed dwelling would not cause harm to any existing or neighbouring occupiers. The Applicant refers to Appendix 3 of the Dacorum Local Plan which sets out the layout and design principles for residential areas and claims that the proposals adhere to these principles as: "The proposed development is designed to retain privacy for existing occupiers, neighbours and future occupants through significant distancing between the dwellings, orientation and internal layout". Flaunden Parish Council is of the view that the application fails to adhere to these principals and does cause harm to a neighbouring property. The plans show windows to both sides of the property with five windows facing Cyrita which will result in loss of privacy for this neighbouring property.

The plans submitted by the applicant indicate that the proposed dwelling would be 3.1m from the adjacent property (Cyrita) to the west. However, this hasn't changed since the second application. The proposed dwelling would still be 1.3m from the eastern boundary. This lack of space between the properties leaves a very limited gap, encroaching on the green spaces between the dwellings that characterises this part of the village.

The site's frontage on Hogpits Bottom contains dense landscaping, with a wide hedgerow and significant number of mature trees. Entry to the property has been moved and a new access is proposed that does not require access across the busy bridleway. However, the proposed access to the site on Hogpits Bottom is now opposite to the entrance to Flaunden Park which is very busy due to the large number of homes within that site. The impact on the highway is of concern and should be considered. Further, the access now requires that a telegraph pole and a utility pole be moved and necessitates removal of mature hedgerow and trees (see image below).

The proposed new entrance would also affect the bus stop which is located alongside the wooden bench (see above image). Where would this be relocated to?

The site has natural boundaries comprising hedgerows and trees and more scattered trees throughout the site. The proposal will result in significant loss of vegetation and urbanisation of this rural spot. The plans still show wooden fencing to the property and this is considered inappropriate. The mature hedging straddling the boundary should not be removed and removal of the roadside hedge that comprises of two mature native Field Maples and a large Sycamore tree should be avoided.

The removal of mature trees and hedges on this site will cause significant harm to the character and appearance of the site and its rural setting.

Flaunden Parish Council would like to point out the lack of arboricultural assessment and the failure to update the Ecology Report to reflect the destruction of trees and hedgerow necessitated by the revised application.

Should this application be approved Flaunden Parish Council

would request that a Condition is included which requires the bridleway to be 4 metres in width, as recommended by Dacorum's Countryside Access Officer.

The extensive flooding that has occurred along Hogpits Bottom continues to be of concern. There is history of flooding in Flaunden in 1993, 2009 and 2014 where two properties on Hogpits Bottom were flooded. Bungalows were flooded and the fire brigade had to be called out, leading to insurance claims. The proposed dwelling is located in an area that is prone to flooding following extreme rainfall (the field at the end of the plot of land is regularly waterlogged and this subsequently seeps through the land adjacent to Cyrita and the Orchards as well as their gardens). The urbanisation of this site with built form and hardstanding will increase the likelihood of flooding along Hogpits Bottom.

The Planning Statement (2.5.1) suggests that future residents could cycle to Bovingdon to access the services of this large village. It should be noted that very few, if any, Flaunden residents would consider cycling along narrow lanes a safe or convenient way of accessing facilities. It should be noted that the only available public transportation to the site would be two bus stops located within walking distance, which infrequently go towards Chipperfield (route 51). This route runs once a day, two days a week. No other public transportation is available. In addition, the village of Flaunden does not have any shops. The new house would therefore require an overreliance on private motor vehicles to access local services and be contrary to Development Plan's settlement strategy. As such the proposal would constitute unsustainable development.

Chiltern Beechwood Special Area of Conservation

Another of the reasons given for the refusal of the previous application (22/02586/FUL) was that:

"The application does not provide sufficient information to satisfy the council, as competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation and there are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such

	<p>information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to the requirements of the Habitats Regulations 2017 and 2019, the NPPF and Policies CS25 and CS26 of the Core Strategy. "</p> <p>The Delegated Report refers to the fact that the application site resides within the above-mentioned 'Zone of Influence'. Natural England has not been consulted but it is clear that there would be an objection to the proposal on the grounds that a Habitats Regulations Assessment (HRA) is required to determine likely significant effects and that that mitigation measures will be necessary to rule out adverse effects on integrity of the identified qualifying features within the SAC designation.</p> <p>A site-specific HRA has not been provided and the applicant fails to give evidence to ensure that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area of Conservation.</p> <p>Conclusion</p> <p>In conclusion, the proposed development would cause substantial harm to the rural character and appearance of the area and harm to the appearance of the Green Belt contrary to the NPPF and Policies CS5, CS6, CS10, CS11 and CS12 of the Core Strategy.</p> <p>Flaunden Parish Council strongly recommend refusal of this planning application.</p>
<p>Flaunden Parish Council (Revised plans)</p>	<p>Flaunden Parish Council have reviewed the revised plans and note that the revised site and block plan has not addressed the lack of space between the adjacent property (Cyrita), there is still a very limited gap, encroaching on the green spaces between the dwellings that characterises this part of the village.</p> <p>The revised plans appear to have only addressed one aspect of Flaunden Parish Council's objections to this application. This proposed development in the Green Belt has no exceptional circumstances that would overturn the central policy decision regarding not building on Green Belt land. The proposal is for a rather narrow house on a very narrow piece of land that would</p>

	<p>damage the appearance of the area. All our previous objections except the one regarding the fenestration to the west flank still apply and even then, the proposed skylight windows still appear to potentially overlook Cyrita.</p> <p>Our original objections have not been appeased by this latest version of the proposed development. Flaunden Parish Council therefore remain of the view that the development would be cramped in the site and at odds with the pattern of development on this side of the road, which generally has a wider and more spacious character between and amongst the plots.</p> <p>Flaunden Parish Council strongly recommend refusal of this planning application.</p>
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology on the application above, for which I have the following comments:</p> <p>Summary of advice:</p> <ul style="list-style-type: none"> o No fundamental Ecological constraints o Advice the use of native hedgerow planting, and the inclusion of an integrated bird or bat box. o Precautionary Informative for nesting birds. <p>Supporting documents:</p> <ul style="list-style-type: none"> o Ecological appraisal by Cherryfield Ecology (report date 08/08/2022). o <p>Comments:</p> <p>The present application is supported by an Ecological appraisal, aside for nesting birds no constraints relating to protected species have been reported from the site. The habitats on site are predominantly scrub which would have importance in the immediate vicinity for invertebrates and birds however, no notable, rare or protected habitats were found to be present. I have no reason to disagree with this assessment. I would advise that native hedgerow species should be utilised in any landscaping to retain some of the existing biodiversity value of the site. The ecological report includes recommended enhancements which would provide an ecological improvement to the existing scheme. I advised the inclusion of an integrated bird or bat box as part of the proposed property.</p> <p>The removal of the scrub risks harm to nesting birds, to avoid an offence being committed, I advise the following precautionary</p>

	<p>Information is included with any permission given.</p> <p>"Any significant tree/shrub works or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest."</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Scientific officer comments:</p> <p>Having reviewed the documents submitted in support of the above application and the ECP Team records I am able to confirm that there is no objection to the proposed development and no requirement for land contamination conditions.</p> <p>However, given that there will be a degree of groundworks needed to facilitate the proposed development it is recommended that the following land contamination informatives are included on any permission that might be granted.</p> <p>Contaminated Land Informative 1: In the event that contamination is found 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>Environmental Health Officer Comments:</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.

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.

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.

Construction Dust Informative

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.

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 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

	<p>addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative</p> <p>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</p>
Thames Water	<p>WASTE COMMENTS:Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant</p>

is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

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

	<p>capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>WATER COMMENTS: The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at https://www.gov.uk/government/publications/groundwater-protection-position-statements) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p> <p>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
Trees & Woodlands	<p>The agent has provided a Tree Protection Plan clearly showing minimal tree removals are required for the development. Furthermore, appropriate protection has been afforded to retained trees, ensuring they safeguarded during the development. As such, I have no further concerns.</p>
Hertfordshire Highways (HCC)	<p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway</p>

Authority does not wish to restrict the grant of permission subject to the following conditions:

1) Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 2PL- 101 B in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate

arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

Highway Informatives

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

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

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop>

ped-kerbs/dropped-kerbs.aspx or by telephoning 0300 1234047.

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

Further information is available via the County Council website at:

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

AN 3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:

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

AN 4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act

1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all

vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or

deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN 5) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be

maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

Comments

The proposal is for the construction of a dwelling on Land Adj. Cyrita, Hogpits Bottom, Flaunden, Hemel Hempstead. Hogpits Bottom in this location is 30 mph unclassified local access route that is highway maintainable at public expense.

Highway Matters

The site in question has no existing access to the highway network. The verge fronting the site is highway maintainable at public expense and is part of the adopted highway network. The proposal is to create a new dropped kerb fronting the proposed site to access the proposed parking. The dropped kerb is to be created to 5.4 metres total which is deemed acceptable. Both the dropped kerb and hardstanding on the highway verge would need to be done through a section 184 agreement by a contractor who has been chosen by HCC Highways - see informative 1. The relocation of the telegraph pole will have to be agreed by the owner of the pole and might come at the cost of the applicant. As per condition 1 above we would not expect the

	<p>dwelling to be inhabited until the access has been built and this would be subject to the agreement of the relocation of the pole and the gas pole adjacent. Parking is a matter for the local planning authority and therefore any parking arrangements need to be agreed by them.</p> <p>The dwelling is not considered to be in a transport sustainable location, however, in this instance the single dwelling would have the same transport impacts as the neighbouring property and therefore it is considered too minor an impact to result in a recommendation of a refusal.</p> <p>Drainage</p> <p>The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need to be collected and disposed of on site.</p> <p>Refuse / Waste Collection</p> <p>Provision would need to be made for an on-site bin-refuse store within 30m of the new dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle Access</p> <p>The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section 184 Agreement) and condition.</p>
Rights Of Way (DBC)	<p>I see the entrance and fencing are no longer an issue for the bridleway.</p> <p>The proposed hedging would need to be planted in the plot, not right on the boundary, as it will 'obstruct' the bridleway when it grows across the boundary. It needs maintenance needs to be addressed by the owner of the property.</p>

	The marking of the 'existing bridleway' is a bit misleading as the whole width of that strip of land is bridleway, not just the stone/worn route.
--	---

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
6	6	0	3	1

Neighbour Responses

Address	Comments
September Cottage Hogpits Bottom Flauden Hemel Hempstead Hertfordshire HP3 0QB	<p>Re: Application Reference 23/00413/FUL Land adjacent to Cyrita and The Orchards, Hogpits Bottom, Flauden Hemel Hempstead</p> <p>We wish to object to the above application on the following grounds:</p> <ol style="list-style-type: none"> 1. Out of character build in the Green Belt <ol style="list-style-type: none"> a. The proposed dwelling would be overdevelopment of the plot and out of character with other properties in the vicinity, which are on much larger/wider plots with large gaps between adjacent properties. The design of the property clashes with the general design of properties in the area and is more in keeping with a modern suburban setting. The current application has reduced the width of the property marginally, which does not materially change the situation and does not overcome this objection. b. The construction will also remove essential uncultivated Green Belt, home to local wildlife. 2. Damage to the street scene and destruction of mature trees <ol style="list-style-type: none"> a. The application proposes a new entrance which will require removal of mature trees, a dramatic and adverse change to the street scene and will be damaging to the general appearance of this attractive rural area.

3. Dangerous placing of the new entrance on the highway

a. The proposed new entrance is immediately opposite the well-used entrance to Flaunden Park and presents a danger to road traffic given the lack of and inappropriateness of safety features such as traffic lights.

b. The entrance would also remove the bus stop and require removal of a bench for bus users, both of which are conveniently placed near the access to Flaunden Park, where the main users of the bus live. There would seem no alternative convenient place to site the bus stop near its source of passengers. This is the only bus stop in Flaunden.

4. Reliance on cars will conflict with Development Plan's settlement strategy.

a. The Planning Statement states that being within the village of Flaunden means that the site has access to all the amenities, services and facilities. It should be noted that the only available public transportation to the site would be the bus stop located at the site and within walking distance, which infrequently goes towards Chipperfield (route 51). This route runs once a day, two days a week. No other public transportation is available. In addition, the village of Flaunden does not have any shops. Few, if any Flaunden residents let alone the older Flaunden Park residents would consider cycling along narrow lanes a safe or convenient way of accessing facilities. As a result of the lack of public transport the site would be heavily car dependent. The new house would therefore require an overreliance on private motor vehicles to access local services and be contrary to Development Plan's settlement strategy. As such the proposal would constitute unsustainable development. The development will therefore adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation.

5. Against Core Strategy as inappropriate Development in the Green Belt

a. This application does not support, protect and enhance the Green Belt and damages the existing character of the village and is therefore in contravention of policy CS1 of the Core Strategy. This policy states that decisions on the scale and location of development will be made in accordance with the settlement hierarchy. Flaunden is considered to be included in Category 5, which refers to 'Other Small Villages and the Countryside'. As such is identified as falling within an 'Area of Development Restraint' being one of the least sustainable areas of the borough, where significant environmental constraints apply, such as the countryside between settlements. Policy SC1 and Table 1 specifically refers to the need to conserve the rural character of the borough.

	<p>The proposal causes damage to the existing rural character of the village and would be harmful to the spacious character and appearance of the area and the wider landscape. It would significantly alter the fabric of the area and amount to serious 'cramming' in what is a low density area.</p>
<p>The Orchards Hogpits Bottom Flaunden Hemel Hempstead Hertfordshire HP3 0QB</p>	<p>We object to the new planning application between The Orchards and Cyrita Flaunden as under mentioned</p> <p>The paperwork submitted states 'Footpath then it refers to a 'Bridleway' in the same documents, this is misleading. Please note that the Land in question abuts a bridlepath. Which has a busy 'footfall with horses, bikers, people waking dogs and pushing prams, runners and village community walking to the church in Flaunden. Everyone who uses the Bridleway can view the green belt land in question.</p> <p>The plot of land in question can be seen from the bridleway, there is a wooden fence separating the Bridleway and the land in question.</p> <p>The plot is grazing land and falls under 'Green Belt' it should not be possible to build on Green Belt. The plot is very narrow and therefore 3 meter rule must apply between neighbouring properties.</p> <p>The plans are for a high pitched roof which suggests future conversion into 2 storey building. This is a visual intrusion, loss of privacy and added noise pollution to our property and the immediate houses in Hogpitts Bottom.</p> <p>The noise pollution must be taken into consideration regarding a new design for a side door adjacent to The Orchards, Visual intrusion and loss of privacy.</p> <p>I believe there are 2 huts, on the site in question, which should be checked for asbestos. This is in the interested of the community for health and safety reasons.</p> <p>The Tree report is misleading because the Popular tree and other tree's mentioned like the Cypress are in the curtilage of The Orchards, do not interfere with our tree's. They do not over hang the bridleway. We maintain these tree's. Please note Popular Tree's only grow upwards and do not overhang, therefore they cannot be interfered with by the developer.</p> <p>Please note that flooding occurs at the top of the building plot in question. There is a dew pond which floods when heavy rain falls, it runs down the bridleway</p>

	<p>Having looked at the plans and documents of this latest application on our Portal, I can see no fundamental difference from the previously Refused applications and consequently, I also support the concerns as submitted by Flaunden Parish Council.</p> <p>If, after the consultation period you are minded to Refuse this latest application, then please proceed to deal with it accordingly, under Delegated Powers.</p> <p>However, if you are not so minded, then I must request that the application is called in for deliberation by the DMC Committee.</p> <p>Please keep me informed as to how this application will be dealt with.</p>
<p>Cyrita Hogpits Bottom Flaunden HP3 0QB</p>	<p>We write on behalf of [redacted] and provide our objection to the above planning application. [redacted] are the owners of Cyrita, which lies immediately to the west of the Application Site.</p> <p>By way of background, the Local Planning Authority will be aware that we made representations on their behalf to the previous applications submitted on the site, namely:</p> <ul style="list-style-type: none"> o Planning Application Reference 22/00939/FUL (the "First Application"); and o Planning Application Reference 22/02587/FUL (the "Second Application"). <p>Both applications sought permission for the erection of a detached dwelling on the Application Site, and both were refused by the Council. Although the reasons for refusal were not identical, they covered the following issues:</p> <ul style="list-style-type: none"> o The harm of the proposed development to the character of the area; o The detrimental impact on the safety of users of the adjacent bridleway; o The failure to provide an ecology survey and necessary information on biodiversity; and o The failure to address the Chilterns Beechwoods Special Area for Conservation. <p>The Applicant has now submitted yet another application in an attempt to address the concerns. It is also suggested in the documentation that an appeal has been submitted against the Council's refusal of the Second Application, though our client has not yet received any formal notification of this (it is assumed that the appeal has not yet been registered).</p> <p>We remain of the view that the proposed development is contrary to national and local planning policies and</p>

notwithstanding the changes to the scheme, it would continue to result in a form of development that would cause unacceptable harm to the character and appearance of the area.

The reasons for our continued objection are explained below.

Site Description

The application concerns a narrow strip of land between two existing properties on Hogpits Bottom, Flaunden.

It is understood that the application site is approximately 883sqm in size (though the application form refers to an area of 0.1 hectares). The applicant owns a further, larger parcel of land to the rear of the Application Site. This parcel of land wraps around the rear of our client's property, and the site was historically a single plot together with Cyrita.

The site's frontage on the Hogpits Bottom contains dense landscaping, with a wide hedgerow and a significant number of mature trees. These include oak, sycamore and beech trees.

A public bridleway runs alongside the Application Site's eastern boundary, and the northern section of this at the site's entrance falls within the defined Application Site. The bridleway continues south on land within the applicant's control.

Turning to consider the wider area, Hogpits Bottom has a rural character. It contains a mix of different dwelling sizes and designs, but is typically characterised by large, detached properties, set within spacious grounds. Like the Application Site, the area contains established planting with trees and hedges along the lane.

The village of Flaunden does not have any defined settlement boundary within the Development Plan.

However, the historic core of the village lies to the south of Hogpits Bottom and is physically divorced from it, being separated by an area of undeveloped open fields. This further enhances the rural setting of the site and the surrounding area.

The Proposal

The application seeks full planning permission for the erection of a detached dwelling. As noted above, it follows the Council's refusal of two previous applications. It attempts to address the various reasons for refusal. The Applicant's Planning Statement refers to the changes as follows:

- o Relocation of the access away from the bridlepath;
- o Change in house type, from two storey to a 1.5 storey

property;

- o Reduction in ridge height of the property by 1.2m;
- o Reduction in the eaves height of the property by 2.5m; and
- o Reduction in width of the property by 0.5m.

In terms of the front elevation, the previous plans included dominant, two storey gable features. The revised scheme continues to provide a 'feature' gable on the front elevation, which contains extensive glazing.

The building is essentially orientated with the ridge of the house now running from front to back. Windows have been introduced on the side of the proposed dwelling, including two dormer windows and a roof light in the east elevation. A secondary gable is shown on the western elevation.

The proposed dwelling would provide accommodation over two levels and contains four bedrooms (with one bedroom at ground floor level). It appears that the proposed house would be constructed in brick.

The Applicant has now submitted a streetscene elevation (which had been omitted from the previous applications).

Planning Policy Guidance

We provide a very brief overview of relevant policies below. These will of course be familiar to the Council, and we need not repeat them in detail. 'National Planning Policy Framework' 2021: The site lies within the Green Belt and the Government's policy advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

1 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

2 The Framework confirms that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but it is recognised that there are exceptions. These exceptions include 'limited infilling' in villages.

3 The Framework places importance on achieving well designed places. It states that:

4 " ... The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities ... " Planning policies and decisions should ensure amongst other things, that

developments:5

- o Will function well and add to the overall quality of the area;
- o Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- o Are sympathetic to local character and history ... ; and
- o Establish or maintain a strong sense of place ...

The guidance further states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that ... opportunities are taken to incorporate trees elsewhere in developments and that existing trees are retained wherever possible.

Ultimately, the Framework advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.⁷

Development Plan: The statutory development plan comprises the following:

- o Adopted Site Allocations Development Plan Document' 2017;
- o Adopted 'Core Strategy' 2013; and
- o 'Dacorum Local Plan' 2004.

The adopted development plan is 'out of date' and due weight must be afforded relevant policies according to their degree of consistency with the Framework. Of primary relevance, it will be noted that the development plan does not define any settlement boundaries for Flaunden and that the village falls within the Green Belt. The Green Belt covers the Application Site and all the surrounding land. Of note, Policy CS5 'Green Belt' in the adopted Core Strategy is broadly consistent with the Framework. However, while it makes provision for 'small scale development' to be permitted, the exceptions referred to do not contemplate 'infill' development, though some 'limited infilling with affordable housing for local people' is accepted in specific, larger settlements. In this regard, the Development Plan takes a slightly different approach to the consideration of development within the Green Belt than that now contemplated in the Framework.

The development plan contains other relevant policies, including the following:

- o Policy CS1 'Distribution of Development';
- o Policy CS11 'Quality of Neighbourhood Design'; and
- o Policy CS12 'Quality of Design'.

Emerging Development Plan: The Dacorum Local Plan (2020 to 2038) 'Emerging Strategy for Growth' was published in November 2020. Once adopted, this will replace the existing development plan documents. The plan was the subject of a second stage of public consultation in 2021. Following this, the Council's Cabinet decided that the next stage of consultation for

the Local Plan would take place once further information had been gathered to examine development constraints in the Borough, particularly the Green Belt; the Chilterns Area of Outstanding Natural Beauty; and the Chilterns Beechwoods Special Area of Conservation. It is understood that the Council will also revisit analysis of development opportunities in urban areas, to further reduce the impact on the Green Belt. It will be noted that the emerging development plan takes a different approach to development in the Green Belt when compared to the adopted plan. The emerging Policy SP11 'Development in the Green Belt' states that the Green Belt boundary has been reviewed. The policy goes on to set out a more restrictive approach, which only allows development in specific locations. Reference is made to Policy DM39 'Limited Infilling in Selected Small Villages in the Green Belt'. This policy applies only to specific villages in which limited infilling is allowed (subject to various considerations). Flaunden is not one of the identified villages.

The supporting text to the emerging policy explains that it clarifies the Council's approach and how they interpret the Government's policy on infilling in villages. It is explained that only four settlements are of sufficient size and importance to support a minimum level of services and facilities needed to meet the daily needs of residents. Other settlements are not considered to constitute 'villages' for the purposes of the policy, and infilling is not believed to be justified in the rural area. Accordingly, the emerging plan would not tolerate infilling within Flaunden.

Assessment and Scope of Objection

Principle of Development: In terms of the principle of development, it is recognised that the Government's policy allows for 'limited infill' within the Green Belt. The Council's determination of the First and Second Applications found that the development was acceptable in principle, based on the adopted development plan. However, as discussed above, the relevant policies concerning development in the Green Belt are found within the Core Strategy and this must now be considered 'out of date', having been adopted a decade ago.

The Council's emerging policy now clarifies the intended approach. It presents a more restrictive framework to development in the Green Belt, allowing limited infilling only in four specific villages under Policy DM39.

Flaunden is not a defined 'village' under this policy, and so development on the Application Site conflicts with the policy. The Applicant's Planning Statement does not acknowledge the emerging policy, but they are no doubt mindful of it and seeking to secure a permission prior to its formal adoption.

We would suggest that the emerging policy should now be afforded weight in the determination of this third application. The existing statutory development plan is increasingly 'out of date' and not entirely consistent with the provisions of the Framework. Meanwhile, the emerging plan presents the most up to date expression of policy and way in which the Council interprets the approach infilling in villages, consistent with the Framework.

Previous assessments of the principle of development in relation to the First Application and the Second Application have also drawn reference to the appeal decision concerning development at Bag End, Hogpits Bottom. However this appeal was determined five years ago in 2018. It did not reflect upon the Council's emerging Local Plan, which had not been published at that time. Any reliance upon this is similarly increasingly tenuous given the passing of time and the clarification now provided in the Council's emerging policy over the definition of what constitutes a 'village' for the purposes of applying its policy.

Given the emerging policy position, we believe that the principle of development must now be examined again.

Character of the Area: The Council's refusal of the previous two applications have identified numerous concerns in relation to the impact of development on the character and appearance of the area. These echoed our own comments and objections, and we would concur with the Council's determination of these earlier submissions. It is not necessary to repeat the Council's assessment of these in detail or to rehearse the site's planning history. However, it is helpful to briefly review the relevant commentary.

The concerns over the impact of the development on the character of the area were articulated in the Council's first reason for refusal for the First Application, which stated:

" ... By reason of its siting, plot layout and coverage, excessive scale, mass, bulk, height the proposals appear cramped and contrary to pattern of development locally, the proposals fail to add to overall quality of the area, amounting to poor design and unsympathetic to local character, causing visual harm to the rural character and openness of the Green Belt and should be refused ... "

While changes were made in the Second Application, the Council's corresponding reason for refusal noted:

" ... The proposed development, in view of its design, site

coverage, scale, mass and height would appear cramped and incongruous to the pattern of development locally and the wider character and appearance of the area in which it is located. The proposed development is poor quality and would cause substantial harm

to the rural character and appearance of the area and harm to the appearance of the Green Belt ... "

This third application now proposes further amendments.

In design terms, the most significant change is the reduction to a 1.5 storey property, rather than a two storey dwelling. It is suggested that this results in a reduction in the ridge height by 1.2m. The two large gable features shown on the Second Application have also been removed from the front elevation.

While these changes do reduce the height of the building, they have also altered the design approach. The building has in essence, been reorientated on the site such that it is perpendicular to the road frontage, with the ridge running from front to back. The new glass gable feature which sits on the front elevation, is in essence the side of the house.

This is illustrated in the depth of the building: while the dwelling on the Second Application had a depth of 12.5m, the dwelling in this revised application now has a depth of 15m from front to back. The applicant has sought to mitigate the loss of floorspace by elongating the house, but the increased depth of the dwelling is not acknowledged in the supporting submissions.

In addition, the reorientation and elongation of the building means that windows have now had to be inserted into the side elevations of the property. There are two dormer windows and a rooflight on the eastern elevation, the appearance of which is now more reminiscent of a traditional front elevation.

The Planning Statement submitted on behalf of the Applicant also suggests that the width of the property has been reduced by 0.5m. This is not entirely accurate. The submitted plans show that the proposed dwelling would be 3.1m from our client's property to the west. This distance is unaltered when compared to the Second Application. Similarly, the proposed dwelling would remain 1.3m from the eastern boundary. This distance is unchanged. Accordingly, the suggestion that the dwelling has reduced in width is rather disingenuous. We have previously noted that such a limited gap is insufficient to provide an appropriate 'breathing space' that reflects the site's generally rural location, within the Green Belt. The Local Planning Authority concurred with this view.

The suggested reduction in width relates only to part of the

building's front elevation, where there is a 'stepped design' with a recessed front door. The set back of the front door (which is obviously the primary access to the house), results in an awkward and artificial design, done only to try and lessen the impact.

Overall, its design and appearance will be inconsistent with the traditional character of the area. We would refer to the Officer's assessment in relation to the Second Application in this regard, which stated:

" ... The development would, in my opinion, still appear cramped and at odds with the pattern of development of this side of the road, which generally has a wider and spacious character between and amongst the plots.

Although I appreciate that there are two storey dwellings within Hogpits Bottom, these units generally sit on more spacious plots with a high level of segregation between units. Those dwellings that are sited on smaller plots, maintain a degree of spaciousness by their single storey built form and use of hipped roofs; with accommodation being provided within the associated roof space. Hogpits Bottom is described in the above appeal decision as being 'characterised by detached dwellings on large spacious plots'. The Inspector notes a 'strong verdant character' and 'generous open gaps between dwellings and neighbouring properties'.

In contrast, I find that the overall height of the proposed building and the minimal spacing between the property and its boundaries to be incongruous. The building is still significantly taller than a number of neighbouring properties and any benefits to openness from the introduction of the hipped roof are negated by the provision of two gabled projections to the front elevation of the proposed building which unfortunately emphasises its height. The imposing mass, depth and height of the proposed building to the adjacent bridleway and users of the countryside rights of way network remains unacceptable, would not respect the

countryside border / setting and would encroach upon the countryside through the enclosure (and a potential reduction in width) of the bridleway contrary to Policies CS5, CS10, CS11 and CS12 of the Core Strategy ... "

The Officer's assessment consistently refers to factors such as 'spacious' plots, and generous separation between buildings and neighbouring plots. These are the key characteristics of the area. It is acknowledged that the assessment refers to examples where there are single storey properties, but their orientation to the road presents a more traditional linear frontage orientated to face the street, unlike the proposed development, which is now perpendicular. A narrow, gabled elevation is quite different in character and appearance to a traditionally proportioned and

designed frontage.

The Officer's assessment of the Second Application remarked that a gable ended roof form, was at odds with the prevailing pattern of development and general character of the area. While the design of the gabled features in the Second Application was different, we suggest that it applies equally to this third application, where the glazed gable is similarly at odds with the surrounding area.

Cumulatively, the alterations that have been made in an attempt to address the Council's concerns over the bulk and mass of the building, have resulted in a rather contrived and awkward design. The layout, orientation and appearance of the proposed dwelling has been consistently driven by a desire to maximise the site's development potential, rather than 'good design'. As stated above, the Framework requires that planning policies and decisions should ensure that developments:

- o Will function well and add to the overall quality of the area;
- o Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- o Are sympathetic to local character and history ... ; and
- o Establish or maintain a strong sense of place ...

The proposed development achieves none of these requirements. Indeed, the various applications have demonstrated that the plot is fundamentally too small to accommodate a dwelling without harm to the character of the area.

Amenity: Although we had not previously raised concerns over the impact of the proposed development on our client's amenity, the revised scheme now introduces windows within the side elevations at first floor level. The relevant windows in the western elevation proposed property appear to serve a stairway and a bathroom. Accordingly, the amended proposal now has the potential to result in harm to the amenity. These windows would directly face the eastern elevation of our client's property, where there is a bathroom and bedroom window. It will be necessary to ensure that controls are imposed to mitigate any impact and potential for overlooking.

Loss of Trees: The Applicant has now moved the access position. This tries to address the Council's concerns over the impact of the original access and the potential conflict with the bridleway along the site's eastern boundary. It now occupies a location more central to the site's frontage.

However, the application entirely fails to acknowledge the impact that this revised access will have on the existing mature trees along the site's frontage.

The position of the access is immediately adjacent to mature oak and beech trees, amongst others. The proposed layout plan that was submitted with the application

appears to have now removed the tree canopies from the baseline topographical survey (which were included on copies of the topographical survey and layout plans submitted with the previous applications). It would appear that this presentation and omission of detail is deliberately contrived to avoid highlighting the impact of the new access on the existing trees.

Furthermore, the completed Application Forms have stated that there are no trees or hedges on the proposed development site. The forms are plainly wrong in this respect and misleading. It is evident that the proper acknowledgment of the existence of trees and hedgerows on the site would have triggered a requirement for an Arboricultural Impact Assessment to support the application yet none has been submitted: the application should not have been validated without this.

In our experience, it is inconceivable that any Arboricultural Impact Assessment would find that the Proposed Development and formation of the access immediately adjacent to these trees would not have a detrimental impact. The application acknowledges that an existing maple will be removed, but suggests that the access will be 500mm from the oak and beech trees. The reality is that the trees will most likely need to be removed to facilitate the access.

The removal of these mature trees will result in significant harm to the character and appearance of the site, and its rural setting, previously described by the Inspector as 'verdant'. As noted above, the Framework confirms that trees make an important contribution to the character and quality of urban environments.

Planning policies and decisions should ensure that existing trees are retained wherever possible.

11 This impact

will further compound the detrimental impact and harm to the Green Belt. Moreover, the loss of existing, mature trees will result in harm to the site's biodiversity.

In this context and with such inevitable findings, the Applicant's apparent reluctance to submit any

Arboricultural Impact Assessment is perhaps unsurprising. Indeed, it is rather telling that the Applicant provided an Arboricultural Impact Assessment in support of the Second Application but has consciously elected not to do so in this submission, when it could have been readily updated.

Ecology: In response to the Council's previous reasons for refusal on the First Application, an ecological appraisal was submitted in support of the Second Application.

The Applicant has now resubmitted this report, but the

assessment has not been updated to reflect the revised scheme. Of particular relevance, it does not therefore take any account of the ecological impact of the removal of mature trees. The ecological assessment must therefore be updated.

Furthermore, the Ecological Assessment does not contain any bio-diversity matrix however to demonstrate that the proposal can achieve an improvement in the existing biodiversity on the site as required under the Framework. This should be requested.

Access and Impact on the Bridleway: The Council's refusal of the Second Application raised concerns over the likely impact of the proposed access on the safety of the adjacent bridleway. Specifically, the reason for refusal stated that:

" ... The proposed development would have a detrimental impact on the safety of users of the adjacent bridleway contrary to Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD ... "

The refusal was based on the objection received from the Rights of Way Officer.

To address this concern, the current submission proposes to amend the location of the access. The Applicant's Planning Statement responds as follows:

" ... The Council refused the application on these grounds, and whilst this is contested and costs have been applied for against the Council, the proposed scheme has relocated the access to a new point away from the bridleway. This therefore overcomes the previous concerns from the Council in application reference 22/02586/FUL ... "

It appears from this that an appeal has been submitted against the Council's refusal of the Second Application, but the Applicant offers no further commentary. It is not apparent what evidence may have been submitted to 'contest' the Council's position, and no Transport Assessment or technical note is submitted in support of this revised application. Despite contesting the Council's concerns and apparently seeking costs, the Applicant has nevertheless now moved the access.

The position of the revised access is now immediately opposite the entrance to Flaunden Park, which is a site of static caravans. There is a potential point of conflict here, and this should be assessed to ensure that the access will not result in harm to highway safety.

As noted above, the relocation of this access will require the removal of existing mature trees on the site's frontage and is therefore unacceptable for the reasons we have already identified.

Summary and Conclusion

Having regard to the above, we believe that the Proposed Development fails to comply with relevant national and local planning policy guidance. While it is acknowledged that the Framework allows 'limited infilling' in villages, the Council's emerging local plan confirms that Flaunden is not considered a 'village' for the purposes of applying this policy. As such, the development fails to comply with this policy. It is recognised that this emerging policy has not yet been adopted, but the existing development plan is now a decade old, and it predates the National Planning Policy Framework; weight must be afforded to it accordingly. The appeal decision that the Applicant draws support from is also five years old, and pre-dates the clarification set out in the Council's emerging Plan in this respect.

Turning to the appearance of the development, it is evident that notwithstanding the changes that have been made, the proposed dwelling remains out of keeping with the character of the area. The revised design is contrived in its approach. There is a large, glazed gable feature on the front; the front door set back in one corner of the front elevation away from the parking spaces; the orientation of the mass and roof form is perpendicular to the road and inconsistent with the prevailing character; the form has been elongated and the depth of the building significantly increased; and windows have been added to the side elevation at first floor level. All of these amendments are solutions to overcome the problems and Second Applications, and cumulatively they result in an awkward and contrived appearance. The proposal fails to represent 'good design' and demonstrate that the plot is too small to accommodate a new dwelling.

Despite the changes, the proposal continues to result in a cramped form of development because of the proposed layout and the scale of built form. It will be harmful to the rural character and appearance of the area, and to the wider Green Belt and rural setting of the site.

The revised scheme also introduces windows at first floor level that will overlook our client's property. The proposed windows face the existing windows in the eastern elevation of Cyrita and are unacceptable.

The applicant has repeatedly adopted a selective approach to the submission of information. In the past, no

	<p>street scene elevations have been provided as they would not have assisted their case, and in this current application the submission fails to provide an Arboricultural Impact Assessment or updated Ecological Assessment. The tree canopies have now been removed from the topographical survey shown on the proposed layout plan, and the application forms has been incorrectly completed to state that there are no trees on the site. This approach and the failure to provide the necessary information is at best unhelpful to the Council's determination of the application.</p> <p>On the above basis, we continue to object to the proposed development of the site. We trust that our points will be taken into consideration, and we would be pleased to discuss them further if this is of assistance. We would reserve the opportunity to comment on any further representations or submissions made by the applicant, but in the meantime, I should be grateful if you were able to acknowledge receipt of our correspondence.</p>
<p>Great Moonshine Bragmans Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PL</p>	<p>I object to this proposed development on the basis that this is greenfield land which has never been built on before.</p> <p>I further object because the space where the house is proposed is too narrow. The planned dwelling is crammed into the space leaving inadequate space between the adjoining house, Cyrita and the busy bridleway. The bridleway is the main artery between the two parts of the village for walkers, cyclists and horse riders.</p> <p>The proposed access to the dwelling requires destruction of mature trees and hedging and further destruction of trees on the site itself.</p> <p>The dwelling is out of character with other properties along the road which are set in open plots and face the road.</p> <p>This property is orientated sideways in an attempt to squeeze it in and it is not appropriate in this rural, green belt location.</p> <p>My view is that this application should be refused.</p>
<p>Bag End Hogpits Bottom Flaunden Hemel Hempstead Hertfordshire HP3 0PX</p>	<p>I would like to comment on the above application for Construction of dwelling Land Adj. Cyrita Hogpits Bottom.</p> <p>Having had the previous application refused on various points, I feel this new application shows a great deal of consideration for the reasons of previous refusal. This design is smaller in scale and bulk than before, incorporates a better solution to the previous access proposal (by proposing a new vehicular access) and generally 'fits in' better with the adjacent street scene.</p> <p>The design is far superior in my opinion than the previous proposal and is much better suited to its setting.</p> <p>I have NO objections to the new proposal and would hope the</p>

	planning officer supports the current application and recommends for APPROVAL.
--	--