

ITEM NUMBER: 5b

23/00023/FUL	Demolition of existing outbuildings and construction of a new bungalow.	
Site Address:	Lower Farm End Luton Road Markyate St Albans Hertfordshire AL3 8PZ	
Applicant/Agent:	Mr Wright	Mr Andrew Whiteley
Case Officer:	Sally Robbins	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Contrary view of Markyate Parish Council	

1. RECOMMENDATION

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

2. SUMMARY

2.1 The proposal constitutes the redevelopment of previously developed land, which is acceptable within the Green Belt wherein the scheme would not have a greater impact on the openness of the Green Belt than the existing development. The proposed layout and design would sit comfortably within the surrounding area, noting the low profile of the proposed dwelling and the substantial vegetation screening the site. The level of amenity space and proposed access / parking provision are considered to be acceptable and, whilst it may be visible from surrounding units, the proposal will not have a significant impact on the living conditions of neighbouring properties.

2.2 The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS5, CS10, CS11 and CS12 of the Core Strategy and the NPPF.

3. SITE DESCRIPTION

3.1 The application site is located on the southeast side of Luton Road in Markyate. The site comprises part of the garden of Lower Farm End and contains various structures within the site, including a stables for four horses, a machinery / hay store and a shipping container. The site includes its own separate existing access off Luton Road.

3.2 The site is located within the Metropolitan Green Belt and to the southeast lies open countryside. Luton Road is situated to the northeast of Markyate and comprises sparse residential development, along with agricultural land uses.

4. PROPOSAL

4.1 The application seeks full planning permission for the demolition of the existing stables and machinery / hay store and the removal of the shipping container on site. This would be followed by the construction of a single storey detached dwelling with associated parking and landscaping. The dwelling would comprise three bedrooms and would be finished in timber effect cladding, facing brickwork and a green zinc roof.

5. PLANNING HISTORY

Planning Applications:

22/01347/FHA - Removal of existing roof, raising of external walls and introduction of a replacement roof to provide increase to first floor accommodation. Existing brick walls to be rendered and painted. *REFUSED - 10th October 2022*

2/01929/FHA - Proposed Detached Residential Summer House
REFUSED - 10th October 2022

23/00151/FHA - Proposed Detached Residential Summer House
UNDER CONSIDERATION

4/01994/19/DRC - Details as required by condition 5 (equine management plan) of planning permission 4/03348/15/FHA (erection of stables and tack room (resubmission of application 4/02474/15/FHA)
GRANTED - 29th October 2019

4/01884/17/DRC - Details of means of enclosure and car parking layout as required by conditions 4 and 5 of planning permission 4/00513/15/FUL (conversion of building from b1(c) to a residential dwelling (c3) with replacement window with a new door (northwest elevation))
GRANTED - 6th September 2017

4/01883/17/ROC - Variation of condition 2 (approved plans) attached to planning permission 4/02829/16/FHA (construction of new detached timber clad barn)
GRANTED - 6th September 2017

4/02829/16/FHA - Construction of new detached timber clad barn
GRANTED - 9th February 2017

4/02040/16/FHA - New vehicular Access.
GRANTED - 28th September 2016

4/03348/15/FHA - Erection of stables and tack room (resubmission of application 4/02474/15/FHA)
GRANTED - 3rd May 2016

4/02475/15/FHA - Erection of detached garage
GRANTED - 26th August 2015

4/02474/15/FHA - Erection of stables, tack room and storage barn
REFUSED - 25th August 2015

4/00513/15/FUL - Conversion of building from b1(c) to a residential dwelling (c3) with replacement window with a new door (northwest elevation)
GRANTED - 2nd June 2015

4/02875/14/OPA - Change of use of office (use class b1(a)) to residential - single dwelling unit (use class c3)
REFUSED - 3rd December 2014

4/01193/11/DRC - Details of removal of access road and replacement landscaping as required by condition 4 of planning permission 4/00503/11 (hard surfacing of existing access with recessed gates. 2m high close boarded fence along boundary with Luton Road and part of private access
GRANTED - 2nd December 2011

4/00503/11/FUL - Hard surfacing of existing access with recessed gates. 2m high close boarded fence along boundary with Luton Road and part of private access
GRANTED - 8th June 2011

4/00100/08/LDE - Use of building as an office
REFUSED - 5th November 2009

Appeals:

22/00071/REFU - Removal of existing roof, raising of external walls and introduction of a replacement roof to provide increase to first floor accommodation. Existing brick walls to be rendered and painted.
DISMISSED - 21st August 2023

6. CONSTRAINTS

CIL Zone: CIL2
Green Belt: Policy: CS5
Parish: Markyate CP
Parking Standards: New Zone 3
EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2023)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Dacorum Borough Core Strategy
NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 – Chilterns Area of Outstanding Natural Beauty (AONB)
CS26 – Green Infrastructure
CS27 – Impact on Heritage Assets
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Dacorum Borough Local Plan
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Policy 119 – Development Affecting Listed Buildings
Policy 129 - Storage and Recycling of Waste on Development Sites
Appendix 3 – Design and Layout of Residential Areas

Supplementary Planning Guidance/Documents:

Car Parking Standards (2020)
Landscape Character Assessment of Dacorum SPG (2004)
Dacorum's Green Belt Review and Landscape Character Appraisal (2016)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- Principle of Development
- Impact on Openness
- Landscape and Visual Impact (Layout, Design, Scale)
- Impact on Residential Amenity
- Impact on Trees and Landscaping
- Highway Safety & Parking
- Other Material Considerations.

Principle of Development

9.2 The application site lies within the Green Belt, wherein Policy CS5 of the Core Strategy states that development will be permitted, such as the redevelopment of previously developed sites, provided that it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside.

9.3 Section 13 of the NPPF also considers the construction of new buildings as inappropriate development. However, there are some exceptions contained within paragraph 149, including sub-paragraph (g) - the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

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

Previously Developed Land

9.4 Previously developed land is defined in Annex 2 of the NPPF as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.' It goes on to list a number of exclusions, for example agricultural or forestry buildings,

however it does not specifically preclude stables and their associated infrastructure from the definition. For the purposes of paragraph 149 of the NPPF, it is considered that the application site constitutes previously developed land.

9.5 The proposed dwelling would not provide affordable housing, therefore the development can only be assessed against the first bullet point of paragraph 149 g), i.e. it must be established whether the development would have a greater impact on the openness of the Green Belt than the existing development.

Impact on Openness

9.6 The area of previously developed land comprises the stable building and a machinery / hay store situated within an area of hardstanding and comprising an existing access to Luton Road. There is a shipping container in the southeast corner of the site, in between the stables and the southeast boundary, however this is a temporary structure that does not have formal planning consent and is therefore excluded from the below assessment.

9.7 When considering applications for development in the Green Belt, local planning authorities are required to ensure that substantial weight is given when considering potential harm to the Green Belt. According to the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl and safeguard the countryside from encroachment by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. The concept of openness relates to the lack of development or built form - as distinct from the absence of visual impact. However, it has been well-established by case law that the openness of the Green Belt has a visual aspect as well as a spatial aspect. As such, the impact of the proposal on the openness of the Green Belt should be assessed taking into account both its spatial and visual impact.

Spatial Impact

9.8 The first point to consider is whether the proposed development would have a greater spatial impact on the openness of the Green Belt than the existing development. The below figures have been provided by the applicant:

Existing

Footprint: 178.9m³

Volume: 718.86m³

Proposed

Footprint: 181.9m²

Volume: 631.26m³

9.9 Based on the above figures, the proposal represents an increase in footprint of 1.7% and a reduction in volume of 12.2%. The maximum height of the proposed dwelling would be 4.03m and it would have an eaves height of 3.05m. This is in comparison to the existing stables, which measure 4m high, and the existing machinery storage barn, which measures 5m high. In terms of layout, the dwelling would partially sit over the footprint of the existing stables, however it would be positioned further towards the southeast of the site than the existing machinery / hay store. The proposal includes an area of hardstanding to the front of the dwelling to allow for a driveway and parking area, however there is already a substantial amount of hardstanding on the site. The proposed dwelling would be positioned within the existing boundaries of the site and would not sprawl out into open countryside. Whilst there would be a marginal increase in footprint, this would be offset by the overall reduction in volume and height.

9.10 Taking all of the above into account, it is considered that the proposal would not spatially have a greater impact on Green Belt openness than the existing development. In addition, the proposed

development would have no greater harm than the existing use of the site, in terms of residential paraphernalia.

Visual Impact

9.11 The application site is located within a parcel of land known as MY-A1 according to Dacorum's Green Belt Review and Landscape Character Appraisal (2016). The appraisal emphasised the importance of the open, rolling character and instances of intervisibility. The parcel of land comprising the application site makes a strong contribution to the purposes of the Green Belt.

9.12 The site is relatively well-screened from the highway and from other public vantage points by the trees and vegetation surrounding the site. It is considered that the lower height and reduction in built form proposed would be less visible than the existing buildings on site. There are public rights of way that surround the site that have uninterrupted open views of the site across open fields to the southeast and southwest. However, it is considered that the proposed building would not be more prominent than the existing buildings on site. The proposed dwelling would be single storey and would comprise a green-coloured roof that would help it to assimilate into its surroundings and it would not appear overtly prominent in relation to the surrounding rural landscape.

9.13 In terms of other development within the site, the scheme proposes hardstanding to form a driveway and landscaping to the front and rear of the property. The level of hardstanding proposed would not be too dissimilar to the existing situation on site and the proposed landscaping provides the opportunity to soften the development.

9.14 Taking all of the above into account, it is considered that the proposed development, would not be visually more prominent than the existing development, by virtue of its low profile and relatively well screened nature of the site. In addition, further landscaping would be secured via condition in order to soften the development. Thus the proposal would not visually have a greater impact on Green Belt openness than the existing development.

Summary

9.15 Bringing all of the above together, it is considered that the proposed development would not have a greater impact on Green Belt openness than the existing development, either spatially or visually, by virtue of the decrease in volume and overall reduction in height and lower profile. Visually the proposal would not be overtly prominent within the surrounding rural landscape and it is considered that the visual permeability within the site would be retained. In addition, the site is relatively well-screened, which would further mitigate any visual impact.

9.16 It is therefore considered that the proposal would not cause greater harm to Green Belt openness than the existing development, to accord with the first bullet point of paragraph 149 g) on the NPPF. The Proposal is therefore acceptable in principle, subject to the below assessment.

Visual Impact (Layout, Design, Scale), Impact on Chilterns AONB

9.17 Core Strategy Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area, seeking to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. Furthermore, paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The site lies adjacent to the Chilterns Area of Outstanding Natural Beauty (AONB) and therefore regard must also be given to any development that may affect its setting.

9.18 The surrounding area is rural in character with development concentrated along Luton Road and Caddington Common, comprising predominantly low-level bungalows with some larger two

storey detached properties. The site is fairly well-screened from Luton Road by vegetation, although the site can be viewed from public footpaths to the south and west.

9.19 The Landscape Character Assessment of Dacorum SPG (2004) identifies the area of land within which the application site resides as 'Markyate Ridges and Valleys' (Area 126). The landscape character is described as predominantly mixed arable and pasture farmland with some common land, woodland and parkland, converging upon the M1 corridor to the east. The key characteristics are narrow upland ridges and valleys, gently undulating open arable land, medium sized irregular shaped fields, isolated settlements and farms and open views across surrounding valleys. The guidelines for development within this area, are to improve and conserve – to promote awareness and consideration of the setting of the Chilterns AONB and views to and from it, when considering development on sites adjacent to the AONB.

9.20 The proposed dwelling would set back from Luton Road and the boundary with the AONB. The proposed dwelling would be single storey with a low-pitched roof and would be finished in utilitarian materials that are appropriate within a rural setting. There is substantial boundary treatment along Luton Road that would be retained, and there is further opportunity for further landscaping within the site. The Council's Conservation Officer has been consulted and raised no objection to the proposal, subject to a condition requiring solid wooden gates to screen the development from view.

9.21 Due to its low profile, there would be limited visibility of the proposed development from Luton Road, especially during the summer months when there is dense screening from vegetation. There would be longer views from within the open countryside, however it is considered that the proposed layout, scale and design is sympathetic to the character and appearance of the wider countryside. The proposal therefore complies with the above-mentioned policies in terms of its visual impact and impact on the setting of the Chilterns AONB.

Impact on Heritage Assets

9.22 Policy CS27 of the Dacorum Core Strategy, Saved Policy 119 of the Dacorum Local Plan and the NPPF seek to ensure that all development favours the conservation of heritage assets and retains the character and setting of listed buildings.

9.23 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on local planning authorities with respect to development that affects a listed building or its setting. In particular, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses.

9.24 The application site is located approximately 0.5km from the Grade II* Listed Markyate Cell and its surrounding Registered Park and Garden. As such, the Council's Conservation and Design Officer has been consulted and has provided the following representation:

"The proposal site faces onto the Luton Road at the north east end of the Lower Farm End site. It is well screened with trees along the road as well as a 5 metre high conifer hedge in the south west corner. The AONB lies on the other side of the Luton Road encompassing Cell Park with its grade II house and registered park and garden.*

Currently the site has a number of outbuildings, it is proposed to demolish these and replace them with a single storey house built in a contemporary style with a green roof and using similar utilitarian materials to the existing outbuildings. The replacement house will be sited at the end of the plot with an L plan.

The plans state that there is an existing access that will be used. There are large areas of hard standing proposed in front of the house with six spaces for car parking. I would suggest a condition for solid wooden gates in order to screen this from view.

Given the location at the rear of the plot, the substantial screening and the single storey utilitarian design it is not considered that this would have a detrimental effect on the AONB or listed building and parkland, providing the applicants accept the suggested condition.

Recommendation: No objection.”

9.25 In accordance with paragraphs 201 and 202 of the NPPF, where a development proposal will lead to any harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, noting that the building is of the highest category of protection being Grade II* Listed.

9.26 Given the significant separation distance and the fact that the proposed dwelling would not be visible within the same vistas as the listed building or registered park, it is considered that the proposed development will not cause any harm to the significance of Markyate Cell and Park and therefore the balancing exercise outlined in the NPPF need not be undertaken. The proposal complies with the above-mentioned policies in terms of its impact upon heritage assets.

Impact on Residential Amenity

9.27 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in a detrimental impact upon the neighbouring properties and their amenity space in terms of visual intrusion, loss of light or privacy.

9.28 The nearest residential property to the proposed dwelling is The Lodge, which is located 30m to the east of the site. In terms of the visual impact, the proposed dwelling would be single storey and would be set away from the common boundary with The Lodge by 4m. There is substantial vegetation and an existing 1.9m-high close-board fence along the boundary that would be retained. The proposed dwelling may be visible from the upper level windows of The Lodge, however it would not be significantly overbearing or visually intrusive due to the separation distance and low height of the dwelling. In terms of light provision, privacy and noise / disturbance, it is considered that the separation distance in excess of 30m between the two dwellings is sufficient enough to avoid any significant harmful effects.

9.29 An objection has been received from The Lodge with concerns relating to residential amenity, however as outlined above, it is felt that the proposed dwelling would not cause significant harm by virtue of the separation distance proposed.

9.30 In terms of the existing dwelling, Lower Farm End, the separation distance would be around 40m, which is also considered to be sufficient to avoid any significant overlooking or noise / disturbance.

9.31 Taking all of the above into account, the proposed development complies with the above-mentioned policies in terms of residential amenity.

Impact on Highway Safety and Parking

9.32 The NPPF, Policies CS8 and CS12 of the Core Strategy and the Parking Standards SPD all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.33 The parking requirement set out in Appendix A of the Parking Standards SPD is 2.25 allocated spaces for a three-bedroom dwelling within Accessibility Zone 3. The development proposes three off-street parking spaces situated on hardstanding to the front of the dwelling, which meets the above requirement. There is also further space on the proposed hardstanding for additional vehicles, should the need arise for example for occasional visitors.

9.34 In terms of access and highway safety, the proposed dwelling would utilise an existing access off Luton Road. The Highway Authority has been consulted and raised no objection to the proposal, noting that vehicles (including larger fire appliance vehicles) would be able to turn on site and exit in forward gear.

9.35 It is considered that the proposal meets the car parking requirement and would not have an impact on highway safety, to accord with the above policies.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.36 There are a number of mature trees within the site and on adjacent land. Whilst the proposed scheme does not require any trees to be removed to facilitate the development, the areas of proposed demolition and construction lie within close proximity to mature trees. As such, it is reasonable and necessary to secure an arboricultural impact assessment and tree protection plan by condition. Furthermore, the proposed development does provide an opportunity to soften the built form by way of additional planting and landscaping, which could be secured by a landscaping condition. Subject to the above conditions, the proposed development would meet the requirements of Saved Policies 99 and 100 of the Local Plan and Policy CS12 of the Core Strategy.

Contaminated Land

9.37 Core Strategy Policy CS32 seeks to maintain soil quality standards and remediate contaminated land. The site does not reside within an area of known land contamination, however the Council's Environmental Health Officer has recommended contaminated land conditions due to the vulnerability of the proposed residential end use to the presence of any contamination. This would be secured by condition should permission be granted.

Waste Management

9.38 Saved Policy 129 of the Dacorum Borough Local Plan seeks to ensure that developments have adequate storage for refuse and recycling. This information has not been provided on the submitted site plan, however it is considered that there would be sufficient space within the site to store wheelie bins. The development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

Habitats Regulations Assessment – Chilterns Beechwoods SAC

9.39 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.

9.40 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.

9.41 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.

9.42 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).

9.43 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.

9.44 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.

9.45 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.

9.46 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.

Conditions

9.47 A number of conditions are recommended in order to address technical matters, including contaminated land, tree protection measures, materials and landscaping. In addition, it is considered reasonable and necessary to remove Permitted Development Rights by condition (Condition 10). This is in order for the Local Planning Authority to retain control over any further additions / extensions that could potentially cause harm to the openness of the Green Belt. Furthermore, it is considered reasonable and necessary to ensure that all of the existing buildings and structures on the site are removed by condition prior to the construction of the new dwelling (Condition 2). This is to ensure that the proposed development would not have a greater impact on Green Belt openness than the existing development, to accord with paragraph 149 of the NPPF.

Community Infrastructure Levy (CIL)

9.48 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable and resides within CIL Zone 2.

10. CONCLUSION

10.1 The proposed dwelling would not be inappropriate development within the Green Belt as it would constitute the complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. Furthermore, by virtue of its layout, design and scale the proposed dwelling would not have a significant impact on the character and appearance of the countryside or the setting of the adjacent Chilterns AONB. There would be no significant impact upon the living conditions of surrounding properties and it will provide a good standard of living conditions for future occupants. The proposal would make effective use of land and would meet the requirements in terms of parking provision. The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS5, CS10, CS11 and CS12 of the Core Strategy and the NPPF.

11. RECOMMENDATION

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

Conditions and Reasons:

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 buildings / structures labelled as ‘machinery, hay and feed store’, stables’ and ‘container’ on drawing no. WRIG/22110/EXISTSITE shall be demolished and all the materials removed from site prior to the construction of the new dwelling hereby permitted.**

Reason: To safeguard the visual amenities of the Green Belt in accordance with Dacorum Borough Core Strategy (2013) Policy CS5.

3. **No work (including site clearance) in relation to the development hereby approved shall be undertaken until full details setting out how retained trees shall be protected, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction), have been submitted to and approved in writing by the Local Planning Authority. Details shall include:**

- o A scaled Tree Protection Plan showing the approved development layout and retained trees (surveyed in accordance with BS5837:2012), to include their accurate crown spreads and root protection areas (RPAs)

- o The sequential order of events required for tree protection

- o The position and specification of tree protection fencing in accordance with BS5837:2012 (as applicable)

- o The position and specification of ground protection in accordance with BS5837:2012 (as applicable)

- o Details of hard surfacing constructed using no-dig techniques where proposed over the RPA of retained trees (as applicable)

- o Details of proposed levels

o The position of service routes and drainage, and means of installation if these encroach through the RPA of retained trees.

There shall be no excavation, changes in levels, storage of materials or access within the RPA of retained trees unless previously specified and agreed. The works must be carried out according to the approved details.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2023).

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

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority which includes:

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

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

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

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

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

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

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

5. Any contamination, other than that reported by virtue of Condition 4 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.

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

6. **The development hereby permitted shall not progress beyond damp proof course level 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. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made for inspection.**

Specific details of the following shall be submitted to the Local Planning Authority for approval:

- o **Sample panels of brickwork**
- o **Roof material sample**
- o **Cladding material sample**
- o **Details of window and door frames**
- o **Rainwater goods.**

Development shall be carried out in accordance with the approved details.

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

7. **Prior to the occupation of the development hereby approved, details of the timber entrance gates shall be submitted to and approved in writing by the Local Planning Authority.**

Development shall be carried out in accordance with the approved details, which shall be installed prior to occupation and retained as such in perpetuity.

Reason: To ensure a satisfactory appearance to the development, to safeguard the visual character of the area and to preserve the setting of the designated heritage asset in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies CS24 and CS27 of the Dacorum Borough Core Strategy (2013).

8. **Prior to the occupation of the development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- o **all external hard surfaces within the site**
- o **other surfacing materials**
- o **refuse storage units**
- o **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs.**

The approved landscape works shall be carried out in accordance with the approved details prior to the occupation of the development hereby approved.

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

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policies CS12 (e) and CS24 of the Dacorum Borough Council Core Strategy (2013).

9. **The development shall be carried out in accordance with the ecological enhancement opportunities detailed in the Preliminary Ecological Appraisal by Samsara Ecology (report date December 2022). The scheme of enhancements shall be initiated prior to the commencement of the approved development and thereafter so retained.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2023).

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

Schedule 2, Part 1, Classes A, AA, B, C and E

Reason: To 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 Policies CS5 and CS12 of the Dacorum Borough Core Strategy (2013).

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

WRIG/22301/SITE1A

WRIG/22310/PLANE

Preliminary Ecological Appraisal by Samsara Ecology (dated December 2022)

Planning Statement by A P Whiteley Consultants Ltd (dated 3rd January 2023)

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

Informatives:

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

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

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

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

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

5. Construction Dust: 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.
6. Waste Management: 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.

7. Air Quality: As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

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

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

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

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

8. Invasive and Injurious Weeds: Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>.
9. The Contaminated Land conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021. Guidance on how to assess and manage the risks from land contamination can be found here: <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
10. 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
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<p>Hertfordshire Highways (HCC)</p>	<p>Recommendation</p> <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 Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>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:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.</p> <p>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.</p> <p>AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.</p> <p>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.</p> <p>AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure</p>

	<p>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.</p> <p>Comments</p> <p>The proposal is for the demolition of existing outbuildings and construction of a new bungalow at Lower Farm End, Luton Road, Markyate. Luton Road is a 60 mph classified B secondary distributor route that is highway maintainable at public expense. The access was approved in 2016 under planning reference 4/02040/16/FHA to access the stables and large storage outbuilding as noted in the planning statement.</p> <p>The trips to and from the dwelling are considered to be the same or less than that of the current use for which the access has no recorded accidents in the last 5 years associated with it. The 2.4 x 160 metre visibility splay agreed at planning application 4/02040/16/FHA is still considered acceptable. Vehicles are able to turn on site to enter and exit the site in forward gear which is considered acceptable. The dwelling is not in a sustainable location in terms of highways, however, there is a footway adjacent the site which leads to the nearby settlement. No alterations are proposed to the existing highway network.</p> <p>Provision would need to be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Drawing number WRIG/22304/PLANB illustrates that an 8.2 metre fire appliance can enter the site and turn on site which is required owing to the proposed dwelling being greater than 45 metres from the highway network to all part of the building.</p> <p>Conclusion</p> <p>HCC Highways would not wish to restrict a grant of permission subject to the inclusion of the above informatives.</p>
Parish/Town Council	<p>Markyate Parish Council object to any building on Green Belt and support comments submitted by neighbouring property.</p> <p>This proposal overlooks neighbouring property.</p> <p>There are two applications, from the same owner, relating to the single</p>

	<p>plot of land. They do indeed represent overdevelopment in the green belt.</p> <p>Planning rules state that any outbuildings should not take up more than half the land around the original house - the building as first built or how it stood in July 1948</p> <p>The plot of Lower Farm End was first defined as a plot when it was sold for growing trees, and permission was given for a tool shed/barn, valid use within the green belt.</p> <p>Later, the area was enclosed by a 2-metre-high fence when a new access road was provided, with a view to making the area safe for raising livestock. (Kingsley Griffiths RIBA Chartered Architect Deign & Access statement March 2011)</p> <p>The use of the barn was altered to B1a, and then B1c in order to then obtain planning permission for conversion to a residential dwelling. This was justified by the lack of demand for offices in the area, but the change from agricultural use was hardly justified when there was an application to erect stables at much the same time.</p> <p>There has been no formal division of the plot - the stables can still be accessed from the original revised entrance near the barn, which is now a bungalow.</p> <p>The replacement of agricultural outbuildings within the green belt with a second residential building on the plot is surely overdevelopment within the green belt. This supports our objection to 23/00023/FUL</p>
Thames Water	<p>Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.</p> <p>Should the details of the application change, we would welcome the opportunity to be re-consulted.</p>
Conservation & Design (DBC)	<p>Lower Farm End, Luton Road, Markyate</p> <p>The proposal site faces onto the Luton Road at the north east end of the Lower Farm End site. It is well screened with trees along the road as well as a 5 metre high conifer hedge in the south west corner. The AONB lies on the other side of the Luton Road encompassing Cell Park with its grade II* house and registered park and garden.</p> <p>Currently the site has a number of outbuildings, it is proposed to demolish these and replace them with a single storey house built in a</p>

	<p>contemporary style with a green roof and using similar utilitarian materials to the existing outbuildings. The replacement house will be sited at the end of the plot with an L plan.</p> <p>The plans state that there is an existing access that will be used. There are large areas of hard standing proposed in front of the house with six spaces for car parking. I would suggest a condition for solid wooden gates in order to screen this from view.</p> <p>Given the location at the rear of the plot, the substantial screening and the single storey utilitarian design it is not considered that this would have a detrimental effect on the AONB or listed building and parkland, providing the applicants accept the suggested condition.</p> <p>Recommendation: No objection</p>
<p>Environmental And Community Protection (DBC)</p>	<p><u>Noise, Odour and Air Quality:</u></p> <p>With reference to the above planning application, please be advised Environmental Health would have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative</p> <p>Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months</p>

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 addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

Invasive and Injurious Weeds – Informative

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

Contaminated Land:

Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.

This is considered necessary because the application site had been previously developed and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.

Contaminated Land Conditions:

Condition 1:

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

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

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

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

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

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

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

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Should no ground contamination be encountered or suspected upon

	<p>the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here: https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
5	1	0	1	0

Neighbour Responses

Address	Comments
The Lodge Luton Road Markyate St Albans Hertfordshire AL3 8QA	<p>1. Overlooking and loss of privacy The proposed bungalow is on the boundary with our property and will invade our privacy. The occupants will be able to overlook and see into our kitchen and upstairs bedroom as well as activities in our vegetable garden and pond plus any activity at that end of our property. What is a quiet haven for wildlife and our family will be destroyed.</p> <p>2. Loss of light and overshadowing The grass path on our side of the boundary will be in shadow of the proposed new bungalow as will part of our vegetable garden resulting in poor cropping. A bungalow along much of the boundary at that point will lesson the light coming into our property and darken the effected area</p> <p>3. Noise & disturbance resulting from use Our house is close enough to the proposed new build for us to be totally disturbed by noise from the occupants, particularly children at play but also car movements and</p>

any chatter as occupants/visitors enter/leave the bungalow or use the garden. After 50+ years of quietness the prospect of noise from near neighbours is very upsetting.

We came here because because of the quietness of open countryside and no immediate neighbours. The prospect of this totally changing because there is a proposed bungalow on the boundary of our property is not welcome.

Luckily for us so far most of the buildings on the site have not been/are not occupied. The new bungalow at the other end of his site is well away from our property so we will have to see what noise emanates from there. Unfortunately the second new proposed bungalow is on the nearest boundary to our house and we certainly object to the location and presence. Noise and disturbance will be inevitable which is unacceptable in a quiet, rural location.

4. Visual Intrusion

The proposed bungalow will overlook our property and will intrude upon our privacy

5. Trees and shrubs

Our boundary with the property is lined with hedges and individual shrubs. In particular, a 50 year plus oak tree overhangs the proposed new bungalow. A tree preservation order is being sought to ensure that it is not mutilated to facilitate a new build. A tree survey is needed.

6. Access to site

A. The road outside our properties is fast (no speed limit) and often very busy. There are frequent queues during rush hours outside the proposed bungalow. Vehicles parking for deliveries to the proposed bungalow will cause dangerous delays to other traffic.

B. There is no pavement on this side of the road, only a deep ditch. Pedestrians, particularly children, will be in considerable danger when trying to cross a decontrolled, fast moving road on a hill to reach the safety of a pavement.

7. Existing bungalow on site

At the opposite. end of the site is a recently built bungalow with detached double garage. Why is a second bungalow needed on the same site when the existing bungalow has never been occupied?

8. Ecodiversity and Geological Conservation

The site is part of a rural environment. It is important for existing and future wild animals and birds to continue to roam and breed and not to further restrict their movement. Many species of birds and animals/mammals use the site to roam and to breed including deer, badgers and moles.