

ITEM NUMBER: 5a

21/04508/MOA	Construction of up to 390 dwellings (C3 Use), including up to 40% affordable housing and 5% self-build, a residential care home for up to 70-beds (C2 use), along with associated landscaping and open space with access from Leighton Buzzard Road.	
Site Address:	Land West Of Leighton Buzzard Road And North Of Galley Hill, Leighton Buzzard Road, Hemel Hempstead, Hertfordshire	
Applicant/Agent:	Fairfax	Mr Steven Brown
Case Officer:	Martin Stickley	
Parish/Ward:	Hemel Hempstead (No Parish)	Gadebridge
Referral to Committee:	Significant major with proposed legal agreement	

1. RECOMMENDATION

- 1.1 That planning permission be refused.

2. INTRODUCTION

- 2.1 The following report into the proposed development at the 'Land West of Leighton Buzzard Road' application site (LWLBR) summarises the proposed scheme and assesses it against local and national planning policies and guidance. It sets out the other material considerations, including previous assessments of the site made by Dacorum Borough Council (DBC), including the Dacorum Local Plan (2020-2038) Emerging Strategy for Growth (December 2020) (the "emerging Local Plan") and Revised Strategy for Growth (2024-2040). The report then concludes with an overall planning balance following the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004.

- 2.2 The proposal has been submitted by Woolf Bond Planning (the 'Agent') on behalf of Fairfax Acquisitions (the 'Applicant'), who promoted the land as an allocation for housing development through the local plan process. The site was not considered a preferable site and was therefore not included within the emerging Local Plan or the Revised Strategy for Growth.

2.1 Environmental Impact Assessment

- 2.1.1 Pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, a request for an Environmental Impact Assessment (EIA) screening opinion was submitted. This requested that the development of the site for

'approximately 400 dwellings' be screened to establish whether it met the threshold for an EIA.

- 2.1.2 The Local Planning Authority's (LPA) response dated 9 February 2021 (see 21/00171/SCE) confirmed, having particular regard to the characteristics of the proposal and the site location, the scheme would be unlikely to lead to significant environmental impacts. As such, an Environmental Statement was not required because the scheme would not constitute EIA development. The formal application has been advanced on this basis.

2.2 Glossary

- 2.2.1 The following abbreviations are used in this report.

AAS – Area of Archaeological Significance
ALC – Agricultural Land Classification
ALCCR – Agricultural Land Classification and Circumstances Report
AONB – Area of Outstanding Natural Beauty
APR – Acoustic Planning Report
AQIA – Air Quality Impact Assessment
BMV – Best and Most Versatile (Agricultural Land)
BNG – Biodiversity Net Gain
CBSAC – Chilterns Beechwoods Special Area of Conservation
CEMP – Construction Environmental Management Plan
CIL – Community Infrastructure Levy
COMET – County Wide Model of Transport
DBC – Dacorum Borough Council
DBLP – Dacorum Borough Local Plan
Defra – Department for Environment, Food and Rural Affairs
EA – Environment Agency
EcIA – Ecological Impact Assessment
EIA – Environmental Impact Assessment
FBS – Future Buildings Standard
FHS – Future Homes Standard
FIT – Fields in Trust
GIA – Gross Internal Area
HCC – Hertfordshire County Council
HCMP – Habitat Creation and Management Plan
HRA – Habitat Regulation Assessment
HWE ICB – Hertfordshire and West Essex Integrated Care Board
IDP – Infrastructure Delivery Plan
LAP – Local Area of Play
LEAP – Locally Equipped Areas of Play
LLFA – Lead Local Flood Authority
LPA – Local Planning Authority
LTP4 – Local Transport Plan 4
LVIA – Landscape and Visual Impact Assessment
LWE – Local Wildlife Site

LWLBR – Land West of Leighton Buzzard Road
MUGA – Multi Use Games Area
NEAP – Neighbourhood Area of Play
NHS – National Health Service
NPFA – National Playing Fields Association
NPPF23 – National Planning Policy Framework 2023
OSSP – Open Space Standards Paper
PROW – Public Right of Way
S106 – Section 106 (Legal Agreement)
S278 – Section 278 (Legal Agreement)
SAC – Special Area of Conservation
SAM – Scheduled Ancient Monument
SAMM – Strategic Access Management and Maintenance
SANG – Suitable Alternative Natural Greenspace
SCI – Statement of Community Involvement
SEND – Special Education Needs and Disabilities
SPD – Supplementary Planning Document
SPG – Supplementary Planning Guidance
SPZ1 – Source Protection Zone 1
SSSI – Site of Special Scientific Interest
SuDS – Sustainable Drainage Systems
TA – Transport Assessment
VSCs – Very Special Circumstances

3. SITE DESCRIPTION

- 3.1 LWLBR comprises a 26-hectare area of land situated on the western slopes of the Gade Valley and has a steeply sloping aspect rising west and falling east and north. It comprises areas of woodland, belts of semi-mature and mature trees and pasture interspersed with mature hedgerows.
- 3.2 A single residential house (New Farm House) is located in the north-eastern area of the site and a number of farm buildings due west. These agricultural buildings are associated with Piccotts End Farm. The buildings are served by a narrow paved track leading from Leighton Buzzard Road, which also provides access to a water pumping station operated by Affinity Water and its associated residential property (Engineers House) located directly north of the site.
- 3.3 The site is located adjacent to the large residential neighbourhood of Gadebridge to the west. Gadebridge originated from the 1950s with standard new town style features and new residential estates from later periods, which include a mix of dwelling types. To the east lies Piccotts End, a small historic settlement with a village character that comprises a number of listed buildings and a conservation area. To the north of the site is open countryside with clusters of commercial, agricultural and residential buildings.

- 3.4 The site shares its southern boundary with the northern edge of Gadebridge Roman villa, a nationally important Scheduled Ancient Monument (SAM). The swimming pool associated with the villa is the largest to have been found on a Roman villa site and only the large bath at Bath surpasses it in size.
- 3.5 LWLBR lies within the Green Belt and is situated approximately half-a-mile south of the Chiltern Area of Outstanding Natural Beauty (AONB). The Gade Valley lies on the edge of Hemel Hempstead's extensive urban area and provides a "green wedge" that runs through Gadebridge Park to the south and to the town centre, which is around one mile to the south. Hemel Hempstead Train Station is also south of the site, some 2.5 miles away.

4. PROPOSAL

- 4.1 Planning permission is sought for the demolition of the former farmhouse and associated buildings and the construction of up to 390 dwellings including up to 40% affordable housing and 5% self-build, a residential care home for up to 70-beds (C2 use), along with associated landscaping and open space with access from Leighton Buzzard Road.
- 4.1.2 Whilst the application is outline and design, including appearance, landscaping, layout and scale (reserved for subsequent determination), the means of access are to be determined as part of this application. The proposed access consists of a new standard roundabout junction along with a controlled pedestrian and cycle crossing facility on the northern junction arm. The new junction would be located roughly 350 metres north of the existing Galley Hill/Link Road/Leighton Buzzard Road roundabout.

4.2 Quantum of Development

- 4.2.1 Core Strategy Policy CS23 – Social Infrastructure encourages the provision of new services and facilities for the community to be located to aid accessibility and allow different activities. The policy specifies that larger developments may include land and buildings to provide social infrastructure, as well as contributing to planning obligations where necessary.
- 4.2.2 As above, the planning application is for a residential led development with affordable housing, self/custom build and a care home facility, details of which are set out in Table 1. The draft legal agreement provides appropriate financial contributions towards off-site social infrastructure (e.g. education), which are considered to meet regulation 122 of the Community Infrastructure Levy Regulations 2010.

Table 1 – Proposed Land Uses

Land Use	Area (Hectares)	No. Units
Residential (C3)	c. 11.5ha	Up to 390

Residential Care Home (C2)	c. 0.5ha	Up to 70 beds
Open space (including local open space, amenity areas, semi-natural green space, and landscape buffers)	c. 14ha	N/A

4.2.3 Officers are satisfied that the proposed quantum has been robustly evidenced and justified through the supporting technical documents.

4.3 Timing and Phasing

4.3.1 The Socio-Economic Study by Volterra Partners (October 2021) explains that the total construction period would be four years. At this stage, no further details have been provided regarding phasing and timescales.

5. PLANNING HISTORY

5.1 Pre-Applications

5.1.1 Dates: Validated 11th November 2019, Reply Sent 26th March 2020

5.1.2 LPA Reference: 19/02905/PREA

5.1.3 Description: Proposed approx. 450 dwellings and publicly accessible open space.

5.1.4 Summary: The pre-application advice acknowledged that a number of issues (e.g. design and highway safety) that could be addressed through suitable mitigation in-line with consultation with relevant consultees. However, a number of outstanding concerns remained including the impacts on the Green Belt designation, landscape and heritage assets.

5.1.5 The proposal was considered inappropriate development, which is, by definition, harmful to the Green Belt and would not be approved except in very special circumstances (VSCs).

5.2 Environmental Impact Assessment – Screening Opinion

5.2.1 Dates: Validated 18th January 2021, Reply Sent 9th February 2021

5.2.2 LPA Reference: 21/00171/SCE

5.2.3 Description: Proposed development of land west of Leighton Buzzard Road for up to approximately 400 dwellings and publicly accessible open space.

5.2.4 Summary: The screened the proposals in terms of whether an Environmental Impact Assessment would be required. It was concluded that EIA would not be required.

5.3 Public Consultation

- 5.3.1 The Applicant's Statement of Community Involvement (SCI) explains that, due to the Covid-19 pandemic, an online public consultation event was held between 20th May 2021 and 3rd June 2021. An initial virtual exhibition invitation newsletter was sent to around 2,320 residents, providing information about the plans and advising them about the consultation period. A freepost reply card was also provided.
- 5.3.2 The newsletter explained that paper copies of the plans and feedback forms with pre-paid return envelopes were available on request to ensure that the consultation was inclusive. The consultation exercise generated 379 responses from residents.
- 5.3.3 The SCI also details other consultation measures, such as engagement with other stakeholders such as members of parliament, local councillors, businesses and residents associations. Section 4 provides detail on the overall feedback received, noting that 89% of the respondents objected, 9% were supportive and 2% were either unsure or had no view.
- 5.3.4 The residents who supported the application primarily argued the strong need for affordable housing and recognised the other economic benefits of the proposals. The objectors highlighted concerns with existing local infrastructure, specifically health, education and emergency services. The loss of Green Belt, countryside and ecological networks were also widely mentioned. The SCI groups the responses into the main themes and the developer responds on pages 81-82.

6. CONSTRAINTS

Ancient Woodland: Ancient & Semi-Natural Woodland
Area of Archaeological Significance: 34
Article 4 Direction: Leighton Buzzard Road Opposite Piccotts End
EA Bank/Top EPlanning Tool: Bank/Top 20m Buffer
CIL Zones: 2 and 3
Former Land Use (Contamination Risk Zone)
Green Belt
Parish: Great Gaddesden CP
RAF Halton and Chenies Zone: Green (15.2m)
RAF Halton and Chenies Zone: Yellow (45.7m)
Smoke Control Order
Parking Standards: Zone 3
EA Source Protection Zones: 1, 2 and 3
Wildlife Sites: Former Halsey School Playing Field East

7. REPRESENTATIONS

7.1 Consultation Responses

7.1.1 The LPA has consulted the following statutory and non-statutory consultees on this planning application. Their responses have helped to shape the proposal and inform the recommendation.

Affinity Water - Three Valleys Water PLC
Affordable Housing (DBC)
British Gas
British Telecommunications PLC
Cadent Gas Limited
Chilterns Conservation Board
Civil Aviation Authority
Conservation & Design (DBC)
Countryside & Rights Of Way (HCC)
Crime Prevention Design Advisor
EDF Energy
Education (HCC)
Environment Agency
Environmental and Community Protection (DBC)
Fire Hydrants (HCC)
Forestry Commission
Hertfordshire and West Essex Integrated Care Board
Hertfordshire Building Control
Hertfordshire Ecology (HCC)
Hertfordshire Fire & Rescue (HCC)
Hertfordshire Highways (HCC)
Hertfordshire Property Services (HCC)
Herts & Middlesex Badger Group
Herts & Middlesex Wildlife Trust
Historic England
Historic Environment (HCC)
Land & Movement Planning Unit (HCC)
Lead Local Flood Authority (HCC)
Legal Services (DBC)
Ministry Of Defence (Wind Farms)
National Air Traffic Services
National Amenity Societies
Natural England
Parish/Town Council
Parks & Open Spaces (DBC)
Planning Liaison Officer
Ramblers Association
Rights Of Way (DBC)
S106/Infrastructure Team (DBC)
Sport England
Strategic Planning & Regeneration (DBC)
Thames Water
The Chiltern Society

Trees & Woodlands
Valuation & Estates Unit (DBC)
Waste Services (DBC)

7.1.2 The consultation responses are reproduced in full at Appendix A.

7.2 Neighbour Notification and Site Notice Responses

7.2.1 The LPA has undertaken a formal public consultation as prescribed in Article 15 of the Development Management Procedure Order (as amended) and the council's SCI (2019). Letters were sent to 286 residences and four site notices were erected around the site on 12th May 2022. A summary of the responses can be found at paragraphs 3.38.18 – 9.38.23 of this report.

7.2.2 The neighbour responses are reproduced in full at Appendix B.

8. KEY DOCUMENTS AND PLANNING POLICIES

8.1 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)
The Planning (Listed Building and Conservation Areas) Act (1990)

8.2 Relevant Policies

Dacorum Borough Core Strategy

NP1 – Supporting Development
CS1 – Distribution of Development
CS2 – Selection of Development Sites
CS3 – Managing Selected Development Sites
CS4 – The Towns and Large Villages
CS5 – Green Belt
CS8 – Sustainable Transport
CS9 – Management of Roads
CS10 – Quality of Settlement Design
CS11 – Quality of Neighbourhood Design
CS12 – Quality of Site Design
CS13 – Quality of Public Realm
CS14 – Economic Development
CS17 – New Housing
CS18 – Mix of Housing
CS19 – Affordable Housing
CS23 – Social Infrastructure
CS24 – The Chilterns Area of Outstanding Natural Beauty

CS25 – Landscape Character
CS26 – Green Infrastructure
CS27 – Quality of the Historic Environment
CS28 – Carbon Emission Reductions
CS29 – Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Dacorum Borough Local Plan (DBLP) (Saved Policies)

Policy 18 – Size of New Dwellings
Policy 21 – Density of Residential Development
Policy 37 – Environmental Improvements
Policy 51 – Development and Transport Impacts
Policy 57 – Provision and Management of Parking
Policy 62 – Cyclists
Policy 76 – Leisure Space in New Residential Development
Policy 77 – Allotments
Policy 79 – Footpath Network
Policy 80 – Bridleway Network
Policy 97 – Chilterns Area of Outstanding Natural Beauty
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 101 – Tree and Woodland Management
Policy 102 – Sites of Importance to Nature Conservation
Policy 103 – Management of Sites of Nature Conservation Importance
Policy 108 – High Quality Agricultural Land
Policy 111 – Height of Buildings
Policy 113 – Exterior Lighting
Policy 118 – Important Archaeological Remains
Policy 119 – Development Affecting Listed Buildings
Policy 120 – Development in Conservation Areas
Policy 129 – Storage and Recycling of Waste on Development Sites
Appendix 1 – Sustainability Checklist
Appendix 3 – Layout and Design of Residential Areas
Appendix 8 – Exterior Lighting

8.3 Supplementary Planning Guidance/Documents (SPG/SPD) and Other Guidance

Character Areas – Area Based Policies (2004)
Landscape Character Assessment (2004)
Environmental Guidelines (2004)
Strategic Housing Market Assessment (2008)
Manual for Streets (2010)
Chilterns Buildings Design Guide (2010)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

Affordable Housing (2013)
 Guidelines for Landscape and Visual Impact Assessment (Third Edition) (2013)
 Refuse Storage Guidance Note (2015)
 Sustainable Development Advice Note (2016)
 Strategic Housing Market Assessment (2016)
 Settlements Profiles Paper (2017)
 Conservation of Habitats and Species Regulations (2017)
 The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning (2017)
 Hertfordshire's Local Transport Plan (2018)
 Affordable Housing Clarification Note (2019)
 Open Space Study – Standards Paper (2019)
 Chilterns Area of Outstanding Natural Beauty Management Plan (2019 – 2024)
 Car Parking Standards (2020)
 South West Hertfordshire Local Housing Needs Assessment (2020)
 Building for a Healthy Life (2020)
 AECOM Site Assessment Study (2020)
 Interim Sustainability Appraisal Report (2020)
 Dacorum Landscape Sensitivity Study (2020)
 Custom and Self Build Demand Assessment Framework (2020)
 Dacorum Local Plan Consultation Summary Report (2021)
 Authority Monitoring Report 2019/20 (2021)
 Housing Delivery Test Action Plan (2021)
 Dacorum Strategic Design Guide (2021)
 National Model Design Code (2021)
 National Design Guide (2021)
 Visitor Survey, Recreation Impact Assessment and Mitigation Requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan (2022)
 Chilterns Beechwoods Special Area of Conservation – Mitigation Strategy for Ashridge Commons and Woods Site of Special Scientific Interest (2022)

9. CONSIDERATIONS

9.1 Main Issues

9.1.1 The main issues to consider are:

- Principle of development
- Green Belt contribution and harms;
- Effect on the character and appearance of the area and landscape;
- Chilterns Beechwoods Special Area of Conservation;
- Housing delivery;
- Density of residential development;
- Quality of design including layout and appearance, building heights, accessible and adaptable dwellings and spaces and crime prevention;

- Environmental implications including air quality, noise and vibration, loss of agricultural land, ecology and biodiversity and trees/vegetation, flood risk and drainage, lighting and contamination.
- Residential amenity;
- Healthy communities including open space, play provision and sports facilities;
- Healthcare;
- Socio-economic impacts;
- Education;
- Climate change and sustainability;
- Heritage, archaeology and conservation;
- Connectivity, highway implications and parking provision;
- Other material planning considerations including article 4 direction, human rights and equality, utilities, pumping station and chalk aquifer, impact on chalk stream, waste management, public consultation responses, planning obligations and community infrastructure levy;
- Any other harm; and
- The case for very special circumstances.

9.2 Principle of Development

- 9.2.1 DBC, in line with the National Planning Policy Framework (2023) (“NPPF23”), has adopted an ‘open for business’ approach to new development in order to secure sustainable economic growth by proactively supporting sustainable economic development to deliver homes, business and infrastructure with particular emphasis on high quality design.
- 9.2.2 The Green Belt, in which LWLBR is located, is key to Government policy. It aims to (a) check the unrestricted sprawl of large built-up areas; (b) prevent neighbouring towns merging into one another; (c) assist in safeguarding the countryside from encroachment; (d) preserve the setting and special character of historic towns; and (e) assist in urban regeneration, by encouraging the recycling of derelict and other urban land. These are the five purposes of the Green Belt as per paragraph 138 of the NPPF23. DBC’s Core Strategy, adopted in 2013, states that the council will apply the Government’s national Green Belt policy (see Policy CS5).
- 9.2.3 For this application Paragraphs 147 to 151 of the NPPF23 (“Proposals affecting the Green Belt”) are most important for considering the principle of development. Paragraph 149 states that LPAs should start from the premise that the construction of new buildings in the Green Belt is inappropriate.
- 9.2.4 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Although the NPPF23 allows for a number of exceptions, they are not considered to apply to the proposals. Therefore, the proposed development would constitute inappropriate development in the Green Belt contrary to both national and local policy.

- 9.2.5 LWLBR was not identified in the emerging Local Plan or Revised Strategy for Growth as a preferred location for development. The selection of sites is complex and underpinned by a number of evidence studies, which informed officers' recommendations on the draft site allocations.
- 9.2.6 In July 2021, the Council's Cabinet raised significant objections to many core proposals in the draft emerging Local Plan, including the overall Spatial Strategy, the proposed Delivery Strategy for Tring and Berkhamsted. As such, further progress of the Plan was deferred to allow additional time for evidence to be gathered.
- 9.2.7 More recently, DBC published the 'Dacorum Local Plan Revised Strategy for Growth (2020-2040) consultation' document, which details that Hemel Hempstead will continue to be the main focus for growth in the borough given its size and the wealth of key services and facilities available. The consultation was launched on the 30th October 2023. The revised Local Development Scheme seeks to finalise the emerging Local Plan in Autumn/Winter 2024.
- 9.2.8 The NPPF23, paragraph 48, indicates that LPAs may give weight to relevant policies in emerging plans according to a set of criteria. Regarding the evidence-base that informs the emerging Local Plan, whilst some of this is over five years old, the assessments of the sites contribution to the Green Belt is not considered less relevant given that the Green Belt purposes have not changed in the interim. Therefore, recognising their untested status, it is considered that material weight should be attached to these documents. However, due to early preparation stage, it is considered that only very limited weight can be afforded to the emerging Local Plan.
- 9.2.9 Taking the above into account, the proposal taken as a whole needs to demonstrate VSCs sufficient enough to justify the principle of development in this location. The NPPF23, paragraph 148, makes clear that VSCs 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.

Planning Policy Note – Emerging Local Plan

- 9.2.10 It is acknowledged that there are a range of draft policies within the emerging Local Plan. Whilst some of these have been discussed in more detail in the application documents, they are presently considered to have limited weight due to the early stage of the Plan and because of their un-adopted nature. Some draft policies may be mentioned in this report, however, the full range of policies, whilst considered, are not discussed in detail.

9.3 Green Belt Contribution and Harms

- 9.3.1 The NPPF23 is clear that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.

9.3.2 Case law has established that, following confirmation that the proposed development is 'inappropriate development' (i.e. development not identified at Paragraphs 149 and 150 of the NPPF23), then whether there is 'any other harm' to Green Belt must be established through an assessment of:

1. The performance of the Green Belt in question, having regard to the five purposes of the Green Belt identified at NPPF23, Paragraph 134;
2. The harm to the openness of the particular area of Green Belt as a result of existing development; and
3. The direct harm caused by the proposed development (i.e. new buildings).

Performance of Green Belt

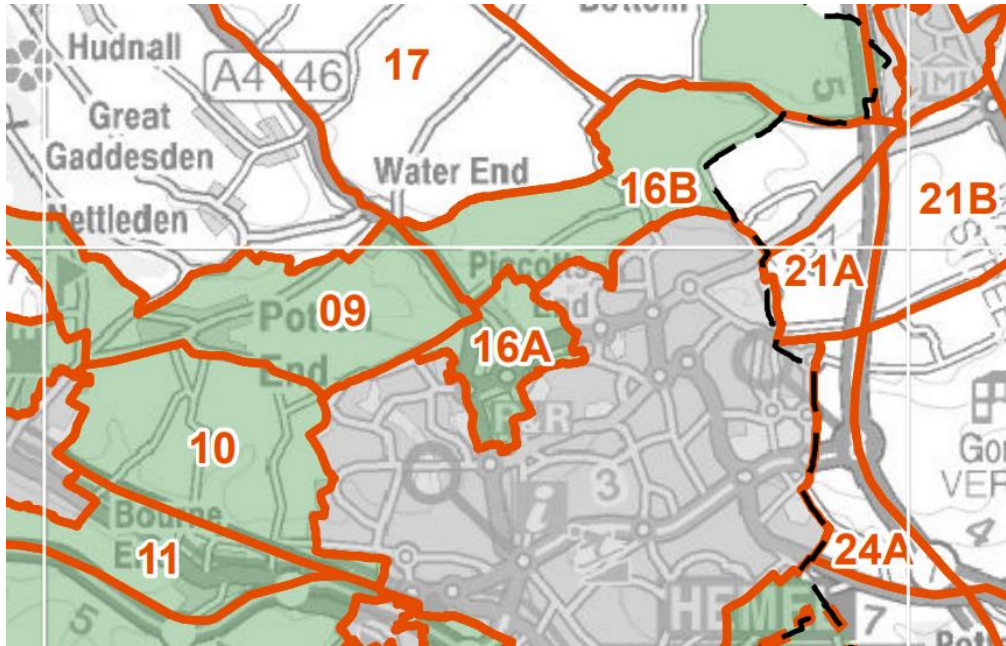
9.3.3 The Applicant's Planning Statement (paragraphs 1.26-1.27 and 6.4-6.51) acknowledges that the development is inappropriate in the Green Belt, resulting in definitional harm, impacts on openness and harm to its purposes – namely purpose 1 and 3 i.e. (1) to check the unrestricted sprawl of large built-up areas; (3) to assist in safeguarding the countryside from encroachment.

9.3.4 In addition, the site was reviewed as part of the evidence-base for the emerging Local Plan to establish how it performed in meeting the Green Belt purposes and whether it should become an allocated site. These assessments are set out in the following documents:

- The Green Belt Purposes Assessment (2013) by Sinclair Knight Merz
- Green Belt Review and Landscape Appraisal (2016) by ARUP
- Site Assessment Study (2020) by AECOM

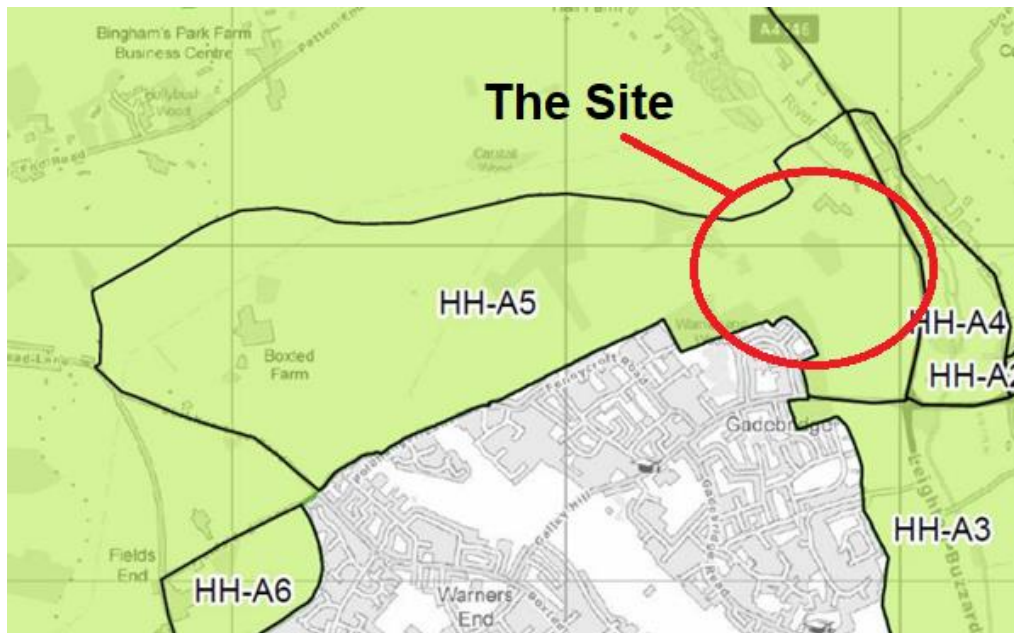
9.3.5 The Green Belt Review Purposes Assessment (Stage 1) by Sinclair Knight Merz (SKM Assessment) was undertaken in 2013. It provides out a review of sites, defining sub-areas and they contribute to Green Belt openness and purposes. It identifies the site as part of 'GB16A', forming part of a wider parcel of land (see Figure 1).

Figure 1 – 'Parcel GB16A' from SKM Assessment



- 9.3.6 The SKM Assessment, Annex 1 – Parcel Assessment Sheets, note that the parcel has a ‘*significant contribution towards safeguarding the countryside and preserving the setting of Piccotts End and Hemel Hempstead*’ and a ‘*partial contribution towards preventing merging as the parcel acts as a Green Wedge.*’ The Assessment concludes that ‘*...the parcel contributes significantly towards 2 out of 5 Green Belt purposes.*’
- 9.3.7 The majority of the site is open agricultural land and the site constitutes open countryside. Open views are possible along the river valley and from to the surrounding valley slopes. It follows that the application site is visually sensitive and effective in safeguarding the countryside from encroachment, as per the SKM Assessment.
- 9.3.8 In 2016, a Green Belt Review and Landscape Appraisal (Stage 2) was undertaken by ARUP (ARUP Appraisal) to assess sub-parcels in more detail and highlight areas performing ‘least well’ against Green Belt purposes. The report also highlighted those that are ‘least sensitive’ in landscape terms. Furthermore, the ARUP Appraisal reviewed a number of other constraints (e.g. flood risk, agricultural land, etc.).
- 9.3.9 LWLBR forms part of HH-A5, as seen in Figure 2.

Figure 2 – ‘Parcel HH-A5’ from ARUP Appraisal and Approximate Site Location



9.3.10 The ARUP Appraisal summarised the outcomes of the purposes assessment, categorising the sub-areas from the weakest to strongest contributors to the Green Belt purposes. For each purpose, a set of criteria was developed using both qualitative and quantitative measures and a score out of five was attributed for each criterion. This measured from 1 (weak or very weak) to 5 (strong or very strong). It identified HH-A5 as '*strongly contributing*' towards the purposes (see Table 5.2 – 'Overall Categorisation of Sub-Areas following Purposes Assessment').

9.3.11 The purposes assessment highlighted:

- In terms of purpose 1b (to check the unrestricted sprawl of large built-up areas), HH-A5 was ranked 3 (moderate) out of 5. This score highlights that the area is connected to a large built-up area, though the large area is predominantly bordered by prominent, permanent and consistent boundary features.
- For purpose 2 (to prevent neighbouring towns merging), the sub-parcel was also rated 3 out of 5 i.e. '*a wider gap between defined settlements where there may be scope for some development, but where the overall openness and scale of the gap is important to restricting merging.*'
- In terms of serving purpose 3, the parcel ranked highest (5 out of 5) (i.e. to assist in safeguarding the countryside from encroachment).

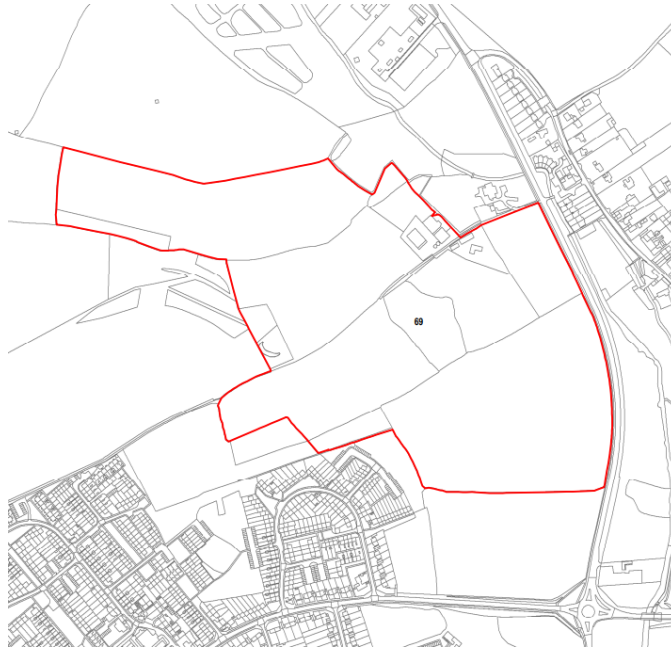
9.3.12 The ARUP Appraisal concluded that the sub-parcel '*would compromise the ability of the wider Green Belt to meet its purposes*' and to '*exclude [it] from further consideration.*'

9.3.13 In January 2020, AECOM produced a 'Site Assessment Study' (AECOM Study) to assist DBC in further refining the sites and provide recommendations based on site

suitability, availability and achievability. Volume 1 initially determined the suitability of sites.

9.3.14 The site, referred to as site '69' (see Figure 3) was not considered suitable for residential or employment allocation.

Figure 3 – 'Parcel 69' of AECOM Study



9.3.15 Volume 2, Part 2 (p92), provides the following overall site conclusion comments:

Site has significant constraints on a number of important criteria including existing contribution to Green Belt purposes, landscape, heritage (particularly in terms of impact on setting of heritage assets at Piccotts End), AONB setting and coalescence. Performance on environmental designations and flooding is also of concern. As such, site is considered unsuitable for allocation.

9.3.16 The AECOM Study then provides an overall site conclusion – final rating, which is *'unsuitable for allocation.'*

9.3.17 A further Stage 3 Green Belt Review (ARUP Review) was carried out by ARUP in August 2020 to assess potential housing and employment site allocations, consider their acceptability and provide site-specific advice on any mitigation required. LWLBR was not brought forward into the ARUP Review.

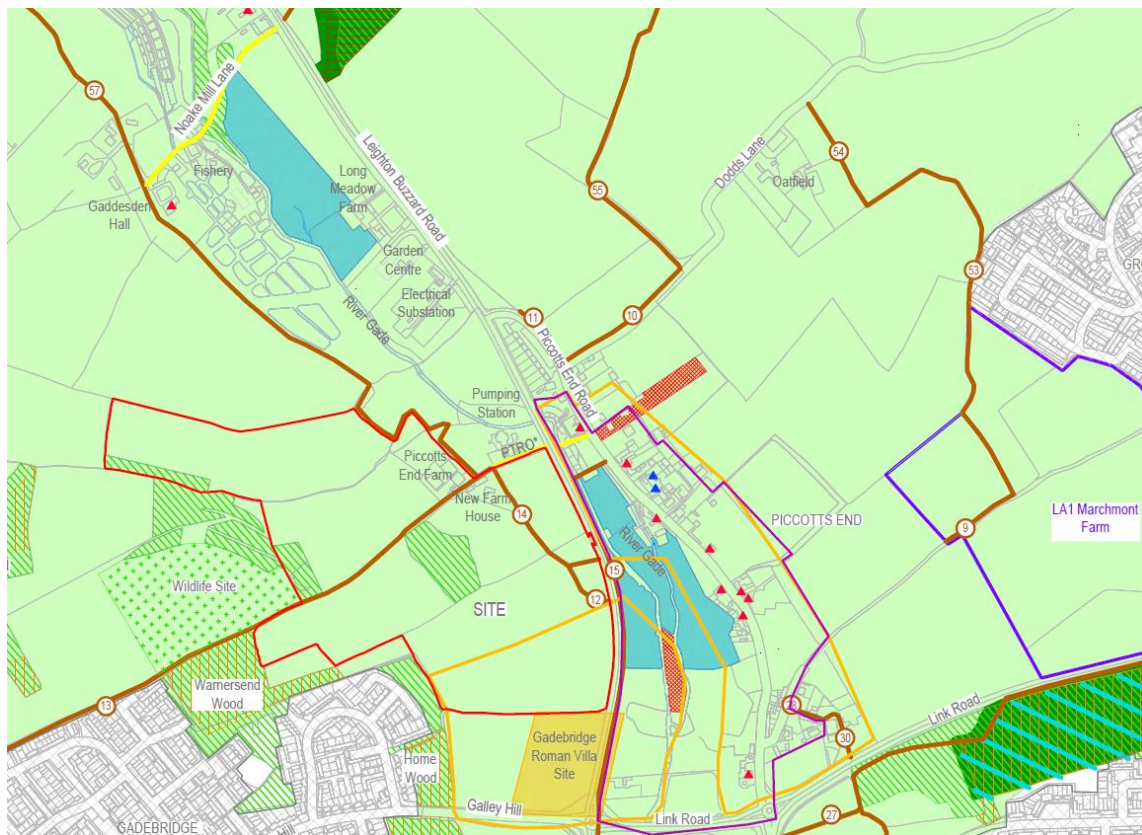
9.3.18 The site clearly has significant constraints in terms of the Green Belt. The recommendations indicate that the development of the entire site would compromise the ability for the wider Green Belt to meet its purposes, specifically purpose three.

9.3.19 As previously mentioned, the assessment of the sites contribution to the Green Belt is not considered to be less relevant despite the age of some of the documents, given that the Green Belt purposes have not changed in the interim. Material weight is therefore attached to these documents.

Existing Openness and Resultant Harm

9.3.20 The site clearly lies beyond the built up area of Hemel Hempstead and forms part of the open countryside. This is clearly recognised from Footpaths 12, 13 and 14, which run through the site (see Figure 4).

Figure 4 – Extract from HED.1220.004(E)



9.3.21 Views are also possible from other vantage points. For example, on the eastern side of the valley, the site is visible the Link Road (A4147), Footpaths 9 and 10, Dodds Lane, Piccotts End Lane and Piccotts End Road. Some long distance views are also possible from Footpaths 53 and 54. The Leighton Buzzard Road (A4146) and Footpath 15, which run adjacent to the site, also provide views into the site. Glimpsed views may also be possible from Footpath 57 to the north of the site, as noted in the Landscape and Visual Impact Assessment (LVIA) by Hyland Edgar Driver. In addition to views from public areas, it is likely that the site is visible from a number of residential properties in Piccotts End.

9.3.22 Views of the hedgerows and belts of mature trees running through the site are visible from these viewpoints, showing historic field boundaries and reinforcing the rural

nature of the site. The rural character is particularly apparent when viewing the site from the eastern valley slope, where the openness and scale of the site can be appreciated. Aside from Piccotts End and the Leighton Buzzard Road, built form and infrastructure associated with Hemel Hempstead is broadly absent and therefore the urban influence is limited.

Figure 5 – Green Wedge

9.3.24 According to the Proposed Parameter Plan, the proposed built development would be sited between 75-85 metres from Leighton Buzzard Road. This separation distance appears sufficient to provide a substantial green buffer subject to a satisfactory landscaping scheme. However, the proposed roundabout and access road would cut through the established hedgerow and provide views into the site, which rises to the west, emphasising built form on higher ground.

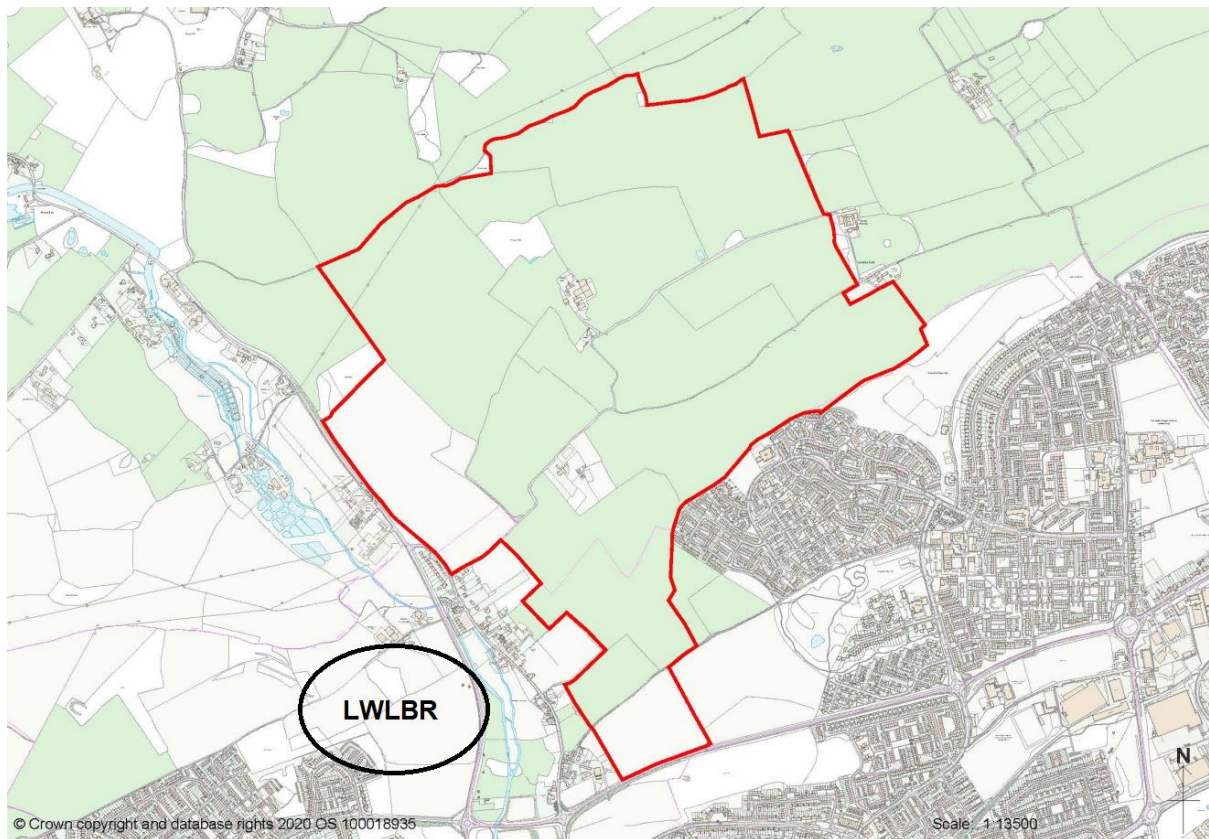
9.3.26 The open green wedge, primarily free of development, between Hemel Hempstead and the wider countryside, provides sufficient relief from the urban influences of the settlement and gives a true feeling of entering the countryside. Whilst Piccotts End is situated within the northern part of the green wedge, it is mostly hidden from Leighton Buzzard Road by mature hedgerows and trees. The dense vegetation maintain the feel of entering the countryside immediately after the Galley Hill/Link Road roundabout. Piccotts End also has a rural aesthetic and character, firmly separate from the urban sprawl of Hemel Hempstead. The proposals would close the gap between settlements and narrow the green wedge, having a wider impact on openness. It is noted that the local allocation LA1 'Marchmont Farm' seeks to develop part of the eastern valley slope (see Figure 6), however, this would not impact the core green wedge that leads northwards from Gadebridge park.

Figure 6 – LA1 Site Location Plan



9.3.27 It is also worth highlighting Growth Area HH01 (North Hemel, Phase 1) from the emerging Local Plan, which has been brought forward into the Revised Strategy for Growth. This draft allocation comprises 'around 1,550 homes'. The site boundary (see Figure 7) includes a large area of Green Belt land and part of the eastern slope of the Gade Valley.

Figure 7 – Growth Area HH01



9.3.28 Growth Area HH01 would clearly have a significant impact on the Green Belt. However, it is worth noting that the draft allocation requires Suitable Alternative Natural Greenspace (SANG) and a Country Park of district-wide importance (see p265-267 of emerging Local Plan for full details). In addition, development will need to take account of and/or mitigate the following landscape sensitivities:

- *The topography of the site with particular attention to those areas which are highly intervisible; areas which share characteristics with or create the setting for the Chilterns AONB;*
- *the setting of the historic settlement and conservation area of Piccotts End;*
- *the variation in landscape sensitivity within the parcel;*
- *conserving enhancing or restoring the hedgerows and field patterns and boundaries; conserving and enhancing the historic sunken lanes and PRow;*
- *the vernacular, use of materials and setting of the existing farmsteads; and the characteristic ridgelines and tree-lined skylines of the area.*

9.3.29 Whilst Figure 7 includes part of the eastern valley slope as within the site boundaries, it does not represent the extent of the land to be developed. It allows control over other uses such as public open space and SANG. Considering the above draft policy requirements it is likely that the Gade Valley would be retained in the Green Belt and the most visually sensitive areas (i.e. the valley slope) would be used for more sensitive uses. As such, the green wedge would be maintained.

- 9.3.30 Returning to the application site, at present there is a clear divide between countryside and settlement. There are wooded buffers to the Gadebridge and Highfield estates, separating them from the countryside and providing a clear boundary to the Green Belt. This boundary is obvious when walking on the eastern valley slope.
- 9.3.31 The proposals would spread development across the fields on the western valley slope. In some areas, the proposed development is brought up to existing hedgerows but along the eastern perimeter of built development, the proposals would require significant planting to provide a new boundary. The residential parcels including blocks of flats, proposed care home and new roads would be clearly visible from raised ground to the east. The development would therefore represent a significant encroachment into the countryside contrary to the fundamental aim of the Green Belt, significantly reducing openness.
- 9.3.32 In summary, the very substantial harm to the Green Belt is evident, both in terms of visual and spatial impacts on its openness. The proposal would replace the open countryside with a substantial urban development. This would significantly impact the visual and spatial sense of openness presently enjoyed by recreational users and existing residents. There would be harm to the Green Belt by reason of inappropriateness, in addition to very substantial harm to openness and encroachment into the countryside.
- 9.3.33 The above illustrates that the proposed development also conflicts with the development plan policies on Green Belt, including Policies CS1 and CS5, which require new development to cause no damage to the existing character of the settlement or its adjoining countryside (Policy CS1) and protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements (Policy CS5).
- 9.3.34 National planning policy directs that '*substantial weight is given to any harm to the Green Belt*'. Any 'other harm' associated with the proposals will be discussed throughout this report and summarised at the end.

9.4 Effect on the Character and Appearance of the Area and Landscape

- 9.4.1 The Chilterns AONB is located around one kilometre to the north and therefore any potential long distance views from this area will need to be considered. Development will need to have regard to the principles set out within the Chilterns Building Design Guide and other guidance set out below. Any other harm to the landscape character of the area must also be assessed and mitigated where possible.

Planning Policy

- 9.4.2 There are a number of planning policies and documents that are relevant to an assessment of the landscape and visual impacts.

- 9.4.3 The NPPF23, paragraphs 174 and 176, recognise the intrinsic character and beauty of the countryside and ensure that planning decisions protect and enhance valued landscapes. Great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
- 9.4.4 Policy CS10 requires, at the broad settlement level, development to respect the landscape character surrounding settlements. Policy CS24 ensures that the special qualities of the Chilterns AONB are conserved and that regard is given to the policies and actions set out in the Chilterns Conservation Board's Management Plan. Policy CS25 ensures that Dacorum's natural and historic landscape is conserved. Proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition.
- 9.4.5 Saved Policy 97 of the Dacorum Borough Local Plan (2004) (DBLP) states that any development that in the AONB, the prime planning consideration will be the conservation of the beauty of the area. Any proposal that would seriously detract from this will be refused.
- 9.4.6 There are also a number of notable documents relevant to the assessment of landscape and visual impacts on this site, including Dacorum's Landscape Character Assessment (2004) and Landscape Sensitivity Study (2020).
- 9.4.7 Planning Practice Guidance for 'Natural Environment – Landscape' (July 2019) states that in considering development proposals that are situated outside of AONB boundaries, but which might have an impact on their setting, relevant authorities shall have regard to the purposes for which these areas are designated.
- 9.4.8 Guidelines for Landscape and Visual Impact Assessment (Third Edition) (2013) ("GLVIA3") also provides substantive guidance on the principles of landscape and visual impact assessments.

Assessment

- 9.4.9 The site lies within the 'High Gade Valley' i.e. Area 123 of the Dacorum Landscape Character Assessment (2004) (DCLA). The area is subdivided into valley floor and valley slopes. The condition and strength of character is considered good and moderate, respectively. The guidelines for managing change is '*conserve and strengthen*'. This includes '*...restricting further built development within the valley and develop a strategy for mitigating existing impacts.*'
- 9.4.10 The ARUP Appraisal (p93) explains that for parcel 'HH-A5a', the overall sensitivity of this landscape is judged high in the east (an area that includes the development site) where the landscape is more open and related to/intervisible with the adjacent Gade Valley.
- 9.4.11 The AECOM Study also reviewed the site on landscape and visual impact terms, highlighting that the development may impact the setting of the Chilterns AONB. It also notes that the site has a stronger relationship with the river valley than the

nearby housing to the south-west (Gadebridge). The site was judged to 'perform poorly' on landscape and visual terms due to its relationship with the river valley, visual separation from the settlement pattern to the south-west, the sloping landform and woodland cover.

9.4.12 A Landscape and Visual Impact Assessment (LVIA) on behalf of the Applicant by Hyland Edgar Driver has been submitted, which identifies the likely significant landscape and visual effects that would result from the proposed development. The LVIA explains that the site sits on the western slopes of a rolling valley landscape associated with the River Gade and has a steeply sloping aspect rising west and falling east and north. The site is outside of the Chilterns AONB, which lies 1km to the north.

9.4.13 The LVIA states that the landscape sensitivity is 'medium' and the proposed development would potential generate a range of landscape and visual impacts, including:

- 1. Land use change and character impacts on the current landscape of pasture;*
- 2. Direct landscape impacts on existing landscape elements such as vegetation and topography;*
- 3. Indirect landscape impacts on the High Gade landscape character from visual change;*
- 4. Visual impacts on residential amenity views from properties looking towards the site;*
- 5. Direct landscape impact on existing footpaths crossing the site;*
- 6. Visual impacts on recreational walkers, cyclists and residents and other users of the PROWs, adjacent footpaths and local roads.*

9.4.14 A number of mitigation measures are discussed, including orientation, siting and scale of the proposed units, location of the open and landscaped spaces, the retention of vegetation and new planting throughout the site (see section 7 of the LVIA for full details).

9.4.15 The LVIA assesses the site from a number of visual receptors including short, medium and long-range views. The short-range views include public rights of way within the site and adjacent to it, including Leighton Buzzard Road. There are also medium distance views from Piccotts End, Galley Hill, Link Road and the Roman Villa SAM in addition to views from residential properties in Piccotts End, Grovehill and Highfield. Longer distance views are possible from farmland to the north and east, including from the boundary of the Chilterns AONB.

9.4.16 The conclusion of the LVIA states that '*although on the upper slopes of a river valley, is visually well enclosed due to the topography and surrounding vegetation.*' It also notes that medium and long distance views, including those from the Chilterns AONB, are limited and predominantly obscured by intervening built form and vegetation. However, as apparent from the case officer's photographs, namely Photograph 1, there are clear views of the site from adjacent public vantage points.

There are also clear medium-range views of the site from Piccotts End, particularly in times of leaf-fall (see Photograph 2).

Photograph 1 – View from Leighton Buzzard Road



Photograph 2 – View from Piccotts End



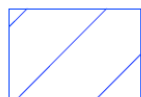
9.4.17 Other short and medium range views are possible from the surrounding footpath network. For example, to the north glimpsed and clear views of the proposed two and three-storey development would be possible from Footpaths 12, 13 and Noake Mill Lane. In particular, the roof form of the taller buildings (e.g. care home) would be visible.

9.4.18 In relation to the Chilterns AONB, the LVIA notes that '*due to the distance...and the sites location adjacent to a larger settlement*' the proposal would have '*minor adverse*

to *neutral impacts*' during the construction phase and '*neutral effects*' during operation.

9.4.19 A photograph is provided on Drawing HED-1220-250 (Revision B) to demonstrate the visibility of the site from the AONB during summer months at Footpath 39 (see Figure 8). From this position, it would be possible parts to see of the proposed development in Areas 2, 3 and 4.

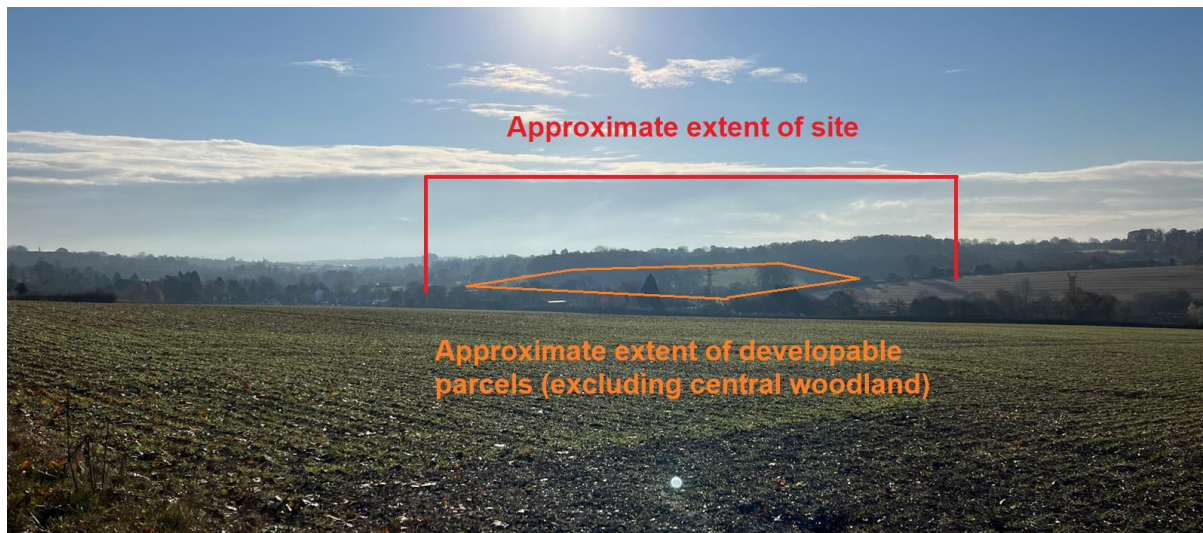
Figure 8 – Extract from LVIA Appendix (Baseline Photograph Viewpoint 20)



Chilterns Area of Outstanding Natural Beauty (AONB)
Policy 97 LP & Policy CS24

9.4.20 In addition, there are also open long distance views from the AONB where Footpath 39 intersects with Footpath 56 (see Photograph 3).

Photograph 3 – View from boundary of Chilterns AONB



Annotation added by Case Officer.

- 9.4.21 The view from the AONB in Photograph 3 illustrates that, when viewed from this location, the overall character is predominantly rural despite some urbanising influences (e.g. electricity pylons, Piccotts End and the Kodak Tower).
- 9.4.22 The proposal would result in inevitable effects on the landscape during the construction phase of the development, which is likely to take a number of years. Post-completion, the proposed development would be visible from a range of public and private areas, including from the AONB. The steeply sloping nature of the site would make the proposed development prominent within the landscape.
- 9.4.23 The proposals would provide a substantial level of urban development into the High Gade Valley Landscape Character Area. This built form, coupled with lighting associated with the proposed development, including any street lighting, would erode the rural character of the area.
- 9.5.24 Overall, it is considered that the proposed development would give rise to substantial impacts on landscape character and also impact on views. In particular, the overall landscape and visual effects would be significant during the construction phase, particularly from short and medium-range views. At early stages of operation, significant landscape and visual impacts would still be apparent. The effects would generally diminish as the landscaping proposals are completed and planting becomes established. However, the visual effects during the construction and earlier years of the operational phases would be significant. As such, the proposal would have a major negative impact on the landscape character of the area and some modest impacts on the setting of the AONB, even after allowing for additional mitigation that might be secured via condition. This results in harm that is afforded substantial negative weight.

9.5 Chilterns Beechwoods Special Area of Conservation

- 9.5.1 The Chilterns Beechwoods Special Area of Conservation (SAC) includes a number of separate sites in the Chiltern Hills and spans three counties. A SAC is an internationally recognised designation with habitats and species of significant ecological importance. The relevant sites to Dacorum are the Ashridge Commons and Woods Sites of Special Scientific Interest (SSSI) and the Tring Woodlands SSSI.

Planning Policy and Legislation

- 9.5.2 European Sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 9.5.3 Paragraphs 10 and 11 of the NPPF23 highlight that there should be *‘a presumption in favour of sustainable development.’* However, this presumption *‘does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site’* (para. 182). ‘Habitats site’ has the same meaning as the term ‘European site’ as used in the Habitat Regulations 2017.
- 9.5.4 Paragraph 176 requires that potential Special Protection Areas (SPAs), possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.
- 9.5.5 Paragraph 174 requires planning decisions to contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity. Further, paragraph 180 identifies that development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.
- 9.5.6 Under Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017 (as amended) an Appropriate Assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. Should a likely significant effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) will need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.
- 9.5.7 The Government’s National Planning Practice Guidance (PPG) provides detail on Habitat Regulation Assessments and Appropriate Assessments (see Reference ID: 65-005-20190722).
- 9.5.8 The Core Strategy, Policy CS26, requires development and management action to contribute towards the conservation and restoration of habitats and species.

- 9.5.9 Saved Policy 102 of the DBLP states that sites of importance to nature conservation will be protected from development in accordance with their designation, value and scarcity. Saved Policy 103 goes on to say that where loss of features or habitats is unavoidable, the Council will require compensatory measures to replace or reinstate the nature conservation value that has been lost.

Assessment

- 9.5.10 As part of DBC's emerging Local Plan, evidence was found that additional residential development in the Borough would lead to more visitors to these protected sites (Ashridge Commons and Woods SSSI and the Tring Woodlands SSSI) and an increase in adverse activities e.g. trampling. To limit this impact, a Habitat Regulations Assessment (HRA) is required for any development that results in an additional residential unit within the 'zone of influence'.
- 9.5.11 In accordance with Part 6, Regulation 70 of the Conservation of Habitats and Species Regulations 2017, there is a duty that if a proposed plan or project is considered likely to have a significant effect on the SAC (either individually or in combination with other plans or projects), an Appropriate Assessment should be undertaken. This will assess the likely impact pathways and resultant impacts for the site in view of the site's conservation objectives. A significant effect should be considered likely if it cannot be excluded on the basis of scientific information and it might undermine a site's conservation objectives.
- 9.5.12 DBC, in collaboration with Natural England, has produced a Mitigation Strategy, that provides that each new residential unit shall contribute towards Strategic Access Management and Maintenance (SAMM) measures at the Ashridge Estate and a contribution towards Suitable Alternative Natural Green Space (SANG) via a legal agreement.
- 9.5.13 DBC currently has two council-led SANGs with credits that are available for development proposals – Bunkers Park in Apsley and Chipperfield Common. The following charges are currently applicable: SAMM = £913.88 per unit and SANG = £4,251.71 per unit. Both of these SANGs have limited capacity and are enabling allocated schemes and smaller proposals across the Borough to come forward (for example, those within the catchment areas and are otherwise acceptable). The Mitigation Strategy for Ashridge Commons and Woods Site of Special Scientific Interest (p39) also notes that strategic SANG capacity will not be allocated to affected proposals in the following circumstances:
- *Permission is refused: Development that is refused permission will not be allocated any Strategic SANG capacity.*
 - *Appeals: Subsequent to permission being refused, the Council will not allocate any Strategic SANG capacity for proposals that are appealed.*

- *Inappropriate Development in the Green Belt: Where it is determined that a proposal constitutes inappropriate development in the Green Belt, it will not be allocated any Strategic SANG capacity.*

9.5.14 The development has been identified as 'inappropriate development' in the Green Belt. As such, the proposal would not benefit from council-led SANG. Paragraph 7.1.6 of the Mitigation Strategy notes that, *'in such instances, the applicant will be expected to seek an alternative form of SANG capacity or delivery its own bespoke SANG solution.'* This was relayed to the Applicant during the course of the application and they have been investigating a SANG solution with the Boxmoor Trust. However, whilst the Applicant has agreed to pay SAMM contributions, details of their own SANG solution has not been forthcoming.

9.5.15 Therefore, in the absence of a satisfactory specific bespoke mitigation package (in terms of SANG), there is insufficient evidence to allow the council to rule out that the development would not cause additional recreational pressure to the CBSAC. In addition, that its affects, whether alone or in combination, could ensure that the harm to the integrity of the SAC would be avoided or mitigated.

Appropriate Assessment

9.5.16 A HRA Screening Statement has been submitted as part of this application, setting out the likely significant effects in Section 4. It correctly identifies that there would be likely significant effects alone and in combination with other developments relating to recreational pressure on the SAC. It highlights that, based on the scale of the proposals, which would be predicted to see an increase if c. 936 residents, *'there is considered to be the potential for significant effects to arise in association with recreational impacts to the Ashridge Commons and Woods SSSI.'* Further, *'potentially significant in combination effects have been identified.'*

9.5.17 The findings of the report are agreed that in relation to recreational pressure, that the proposed development would lead to likely significant effects relating to physical damage and degradation to protected habitats when considered alone or when considered in combination with other plans or projects.

9.5.18 Taking the above into account, it is concluded that a further assessment in line with the Habitats Regulations (Appropriate Assessment) is required and mitigation and avoidance measures proposed.

9.5.19 The Appropriate Assessment cannot conclude that there will be no adverse effects on the integrity of the CBSAC and as such, the LPA must consider potential mitigation or avoidance measures. Mitigation has been presented by the Applicant through acceptance to provide SAMM in the form of a tariff. However, as previously mentioned, to date there has been no SANG solution offered.

Summary

- 9.5.20 DBC concludes that likely significant effects from recreational pressure on the CBSAC cannot be ruled out in-combination with other plans or projects. There is a risk that the conservation objectives for the SAC will be undermined as a result of the lack of SANG. As the SANG has not been secured, the LPA cannot be satisfied that the development will not adversely affect the integrity of the CBSAC.
- 9.5.21 It is accepted that the SAMM element (tariff) is acceptable to the Applicant, however, this element has not been secured via signed legal agreement, so cannot be proven in the Appropriate Assessment as secured/mitigation for the SAC. Any decision would need to be subject to the scheme adhering with the SAMM requirements set out in the Mitigation Strategy and a finalised legal agreement reflecting this.
- 9.5.22 Further information is therefore required to rule out whether as a result of the development (alone or in combination) that it would not have a likely significant effect in terms of recreational pressure on CBSAC.
- 9.5.23 In accordance with paragraph 182 of the NPPF23, the Appropriate Assessment has concluded that the project will adversely affect the integrity of the designated sites. Therefore, DBC as the Competent Authority consider the proposals unacceptable under the tests of the Habitats Regulations. Substantial negative weight is attributed to the harm on the CBSAC.

9.6 Housing Delivery

Standard Method

- 9.6.1 The standard method for calculating local housing need provides a minimum number of homes to be planned for. Authorities should use the standard method as the starting point when preparing the housing requirement in their plan, unless exceptional circumstances justify an alternative approach.
- 9.6.2 The introduction of the national standard method to assess the local housing need since adoption of the Core Strategy has meant that DBC (and other authorities) are having to meet the difficulties of accommodating dramatically increased housing numbers. In DBC's case, this has risen from 430 homes per annum in the Core Strategy to 1,018 dwellings per annum (dpa) through the standard method (an uplift of over 230%).

Housing Delivery Test

- 9.6.3 The Government's Housing Delivery Test (HDT) was introduced in 2018. It compares how many homes should have been built over the last three years in each local authority area with how many actually were.
- 9.6.4 Where more than 95% of the required homes have been built, the test is passed and councils need take no action. If delivery is below that level, councils will be required to investigate the reasons and publish an action plan explaining how they will catch

up. There are escalating sanctions applied based on the scale of any shortfall, set at 85% and 45%.

- 9.6.5 The Government's original 2021 results revealed that DBC has delivered 89% of its housing requirements between 2017 and 2020 i.e. 1,685 homes out of an assessed requirement of 1,887 homes and therefore DBC created an Action Plan, which was published in 2021.
- 9.6.6 DBC's HDT Action Plan (2021) explained that Dacorum had seen a marked increase of delivery in the last 5 years (2016-21) with an average of 608 homes built each year. Much of this is as a result of larger schemes coming on-stream and as a consequence of the relaxation of the planning system and prior approvals regime, particularly in respect of the conversion of offices to residential.
- 9.6.7 The latest results were published by the Department for Levelling Up, Housing and Communities (DLUHC) on 14th January 2022, which recalculated the results by reducing the number of homes required in light of the Covid-19 pandemic and the disruption caused.
- 9.6.8 The 2022 measurement makes clear that the Borough has delivered in excess of the target set by Government for 2020/21. A total of 755 new dwellings were completed, a record year for delivery despite the impacts of the global pandemic on the construction industry during that time. It surpasses the requirement of 681 dwellings set by DLUHC.
- 9.6.9 On 6 December 2022, the Government announced proposed reforms to national planning policy, to make local housing targets '*an advisory starting point, a guide that is not mandatory.*' Whilst the announcement did not proposed any new changes to the standard method formula itself, the Government has stated that it intends to review the approach for assessing housing need.
- 9.6.10 On 22 December 2022, the Government published consultation details associated with the reforms, noting that:

'We would like to receive views on whether the test's consequences should follow the publication of the 2022 Test, or whether they should be amended, suspended until the publication of the 2023 Housing Delivery Test, or frozen to reflect the 2021 Housing Delivery Test results while work continues on our proposals to improve it.'

- 9.6.11 As such, the 2021/22 and 2022/23 results have not yet been published.
- 9.6.12 As set out in DBC's HDT 2021 Action Plan, it is accepted that more can be done regarding housing delivery in the future (see sections 6 and 7). However, the delivery of housing is not considered so severe that the presumption in favour of sustainable development applies as a consequence of past under delivery.

Council Housing Completions

- 9.6.13 DBC is active in bringing forward council homes, both in terms of its own land ownership and land it has bought on the open market. This has helped support housing completions generally in the borough. It has a proactive housing delivery team that has delivered nearly 300 homes over the period 2013-21, of which 162 of these were completed in 2019/20, representing 33% of all completions that year.
- 9.6.14 DBC have also sold a number of under-used garage blocks for affordable and market homes under our Garage Disposal Programme since September 2014 when Cabinet gave approval for the disposal of 97 of these sites. A number of these have been built and the Council continues to review sites to establish their suitability for development.

Five-Year Housing Supply

- 9.6.15 The five year housing land supply is a calculation of whether there is a deliverable supply of homes to meet the planned housing requirement (or, in some circumstances, local housing need) over the next five years.
- 9.6.16 The council is not at present able to demonstrate a 5-year supply of deliverable housing sites as required by the NPPF23 and therefore the policies of the development plan most important for determining the application are out-of-date. However, the tilted balance is not engaged if the site lies within the Green Belt and in the absence of the demonstration of very special circumstances, the NPPF23's Green Belt policy provides a clear reason for the refusal of planning permission (see NPPF23 footnote 7). Furthermore, the tilted balance is also not engaged if there is harm to a SSSI, such as the Chilterns Beechwoods, which cannot be mitigated or avoided altogether. However, whilst the tilted balance is not engaged, very substantial weight is given to the delivery of new homes that would contribute towards the council's 5-year supply. This will be discussed in more detail later in the report.
- 9.6.17 DBC recently engaged in a significant public inquiry for 1,400 homes at 'Land East of Tring' (see appeal reference: APP/A1910/W/22/3309923). As part of the inquiry, both the appellant and council put forward evidence regarding housing supply. The council provided an 'Update to Dacorum Borough Council's Five Year Land Supply Position' (see CD13.16) stating that the five-year housing land supply position is 2.19 years. It is unlikely that the council will be able to demonstrate a sufficient supply until the new Local Plan is adopted, as the existing spatial strategy cannot fully support delivery against the local housing needs figure.

9.7 Density of Residential Development

Planning Policy

- 9.7.1 Saved Policy 21 of the DBLP (2004) states that sites will be expected to demonstrate densities of between 30 to 50 dwellings per hectare (dph). The policy goes on to

state that, for sites on the edge of the settlement, particular attention should be given to the effect of development density upon open countryside and views.

Assessment

- 9.7.2 Section 3.02 of the submitted Design and Access Statement (DAS) explains that the density of the developable area (excluding open space, etc.) equates to circa 32dph plus the 70-bed care home.
- 9.7.3 The proposed housing appears to be lower density and lower in height in the north of the site. There are a number of '*suggested locations for 2.5 – 3 storey buildings*' on the Proposed Parameter Plan. The heights and designs of these buildings would be confirmed at reserved matters stages.
- 9.7.4 As mentioned earlier, due to the mass and scale of the proposals, there would be an impact open countryside and views. However, efforts have been made to reduce the impacts based on the indicative layout. The proposed density therefore appears to meet the requirements of saved Policy 21 and would provide a suitable density across the site.

9.8 Housing Mix and Affordable Housing

Planning Policy

- 9.8.1 The Government requires the planning system to significantly boost the supply of homes, ensuring that a sufficient amount and variety of land comes forward where it is needed and that the needs of groups with specific housing requirements are assessed. Further, the size, type and tenure of housing for different groups in the community must be considered, including those who require affordable housing (see NPPF23, Section 5).
- 9.8.2 Policy CS18 requires housing developments to provide a choice of homes. This comprises a range of housing types, sizes and tenure; housing for those with disabilities and affordable housing in accordance with Policy CS19. The policy goes on to state that the mix and type of housing within development will be guided by evidence such as Strategic Housing Market Assessments (SHMA) and other site-specific considerations. Saved Policy 18 states that the development of a range of dwellings (size and type) will be encouraged.
- 9.8.3 Policy CS19 suggests an overall policy objective of 35% affordable housing with a 75/25 affordable rent/intermediate housing tenure. For Greenfield sites, such as local allocations, the Core Strategy usually requires 40% affordable housing. National Planning Policy Guidance now requires 25% of affordable homes to be 'First Homes', which are market sale units discounted by a minimum of 30% against the market value and have a price cap, after the first discount, of no greater than £250,000 (outside London).

Assessment

9.8.4 The proposed housing breakdown is provided at paragraph 3.36 of the Planning Statement and on the original Illustrative Coloured Masterplan (Drawing 2037/PL04, Rev P). In summary, the following is proposed:

- Up to 214 market dwellings;
- Up to 156 affordable dwellings;
- Up to 20 self-build dwellings;
- A total of up to 390 dwellings.

9.8.5 An updated Affordable Housing Statement (Revision D) was provided by the Applicant following comments from DBC's Affordable Housing Team. The Affordable Housing Statement draws upon adopted local plan policies, the emerging Local Plan, the South-West Herts Local Housing Needs Survey 2020 and the Self-Build and Custom Build Need Assessment Framework 2020. The Affordable Housing Team's comments further detail up-to-date need and requirements within Dacorum.

9.8.6 The Affordable Housing Statement takes the above into account and provides a detailed housing mix analysis (see p16-17), noting the unit type and tenure. It identifies that the following would be provided, aligning with the comments from the Affordable Housing Team.

Table 2 – Housing Breakdown

Housing Breakdown		
Description	No. Units	Percentage
Open Market	214	54.88%
Custom/Self-Build	20	5.12%
Affordable Housing	156	40%
Total	390	100%
Affordable Housing Breakdown		
Description	No. Units	Percentage
First Homes	39	25%
Shared Ownership	30	19%
Rented Homes	87	56%
<i>Of the 56% Rented Homes:</i>		
<i>Social Rented or DBC Affordable Rents (60%</i>	22	25%

<i>Open Market Rent)</i>		
<i>Affordable Rented (80% Open Market Rent)</i>	65	75%

9.8.7 Regarding unit sizes, the housing mix analysis table highlights a mixture of different sized units (see below).

Table 3 – Housing Mix Analysis

Unit Type	Total Units	C/SB	Market	%	Rented	%	FH	%	SO	%
1 Bed	64		26	16%	18	21%	20	50%	0	0%
2 Bed	136	5	77	31%	26	30%	19	50%	9	30%
3 Bed	140	10	74	34%	35	40%			21	70%
4 Bed	50	5	37	19%	8	9%			0	0%
Totals	390	20	214	60%	87	75%	39		30	25%

9.8.8 The proposed development would provide a wide range and mixture of new homes, which include different types, sizes and tenures to meet an assortment of needs in the Borough. The proposed mix has been based on up-to-date, evidence-based information provided by the Applicant and DBC's Affordable Housing Team. Overall, the scheme is therefore considered policy-compliant in terms of housing mix and affordable housing provision.

9.9 Self-Build and Custom Housing

Planning Policy

9.9.1 Whilst DBC currently has no adopted local policies that require this type of housing, it is reflected draft emerging Plan (see Policy DM8). In addition, it is a requirement of national policy whereby paragraph 62 of the NPPF23 explains that local authorities should provide opportunities for people who wish to commission or build their own homes.

9.9.2 DBC's Custom and Self Build Demand Assessment Framework 2020 also provides an assessment of the demand, explaining that across the Borough, *'the potential demand...across the borough is 68 units per annum over the next five years, rising to 74 per annum in years 6 to 10 and then 78 per annum in years 11 to 17'*. Strategic Planning have also confirmed that there are around 200 people on the self-build register, 58 of which are from Hemel Hempstead.

Assessment

9.9.3 There is clearly a need for self-build and custom housing, which is estimated to increase over the coming years. The proposal seeks to provide 20 (5%) self-build and custom plots, which aligns with local need and emerging policy.

9.10 Care Home / Older Persons Housing

Planning Policy

- 9.10.1 Chapter 14 of the Core Strategy discusses requirements for extra care housing and residential care. Policy CS18 identifies the range of housing types required including those with special needs. The NPPF23, paragraph 62, notes the requirement for housing for different groups including older people.
- 9.10.2 Paragraphs 92 (a) and 93 (a) require planning decisions to promote social interaction – for example, through mixed-used developments and plan positively for the provision and use of community facilities to enhance the sustainability of communities and residential environments. Furthermore, Paragraph 93 (b) and (e) require proposals to support the delivery of local strategies to improve health, social and cultural well-being and provide an integrated approach to the location of community facilities and services.
- 9.10.3 Core Strategy Policy CS23 – Social Infrastructure relates to the provision of social infrastructure within the Borough. The explanatory text of the policy outlines that this infrastructure includes education, health, community and leisure facilities. The policy states that new developments will be expected to contribute towards the provision of community infrastructure to support the development. In the case of larger developments, this could be in terms of the provision of land and/or buildings on site to accommodate required facilities or financial contributions towards off-site provision.
- 9.10.4 The requirement for new development to provide contributions towards the provision of on-site, local and strategic infrastructure required to support the development is set by Core Strategy Policy CS35 – Infrastructure and Developer Contributions. The policy outlines that contributions will be required unless existing capacity in relevant infrastructure exists and financial contributions will be used in accordance with needs set out in the Infrastructure Delivery Plan. This policy has some overlap with the Community Infrastructure Levy, which has been adopted by the Council, and will be discussed later.

Assessment

- 9.10.5 DBC recognise the need for older persons housing including care facilities. The Applicant has carried out independent research and highlight that a care home with 70 rooms with a total of 105 bed spaces would be most appropriate. It is envisioned that the care home would also have sufficient space for other facility requirements e.g. catering and laundry space. As such, a care home of 3,925sq.m GIA is proposed, including both single and double occupancy. Paragraph 3.3.2 of the Affordable Housing Statement highlights that this would be in-line with Policy DM9 of the emerging Plan, which provides that 1,019 bed spaces in the plan period.

- 9.10.6 In addition to the above, the Applicant wishes to provide dedicated keyworker accommodation suitable for staff working in the care home. This would comprise 12 x 1-bedroom flats on-site as affordable rented housing. This would need to be tied into the proposed legal agreement if the development is approved.
- 9.10.7 Overall, the proposed care home is welcomed, as it would help to support the aging population in the borough. It would increase the mixture of housing on the site and align with local and national policies in this regard. Substantial weight is afforded to the provision of the care home.

9.11 Quality of Design

Planning Policy

- 9.11.1 Section 12 of the NPPF23 identifies that good design is a key aspect of sustainable development, creates better places to live and work and makes development acceptable to communities. Furthermore, high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve. Permission should therefore be refused for poor design that fails to improve the character and quality of an area and the way it functions.
- 9.11.2 The emphasis on good design is highlighted in the Core Strategy, Policies CS10, CS11 and CS12; which state that development should coordinate streetscape design between character areas, integrate with such character, and respect adjoining properties in terms of layout, site coverage, scale, height, bulk, landscaping, and amenity space.
- 9.11.3 Appendix 3 of the DBLP states that development should be guided by the existing topographical features of the site, its immediate surroundings, and respect the character of the surrounding area with an emphasis on there being adequate space for the development in order to avoid a cramped appearance.
- 9.11.4 Dacorum's Strategic Design Guide ensures that new development is of the highest quality and contributes towards making distinctive, attractive and sustainable places to live and work.

9.12 Layout and Appearance

- 9.12.1 The application is supported by a Parameter Plan (Drawing: 2037/PL.03, Revision H), which establishes an overarching structure for the development. An Illustrative Masterplan (Drawing 2037/SK.04/DN, Revision U) also serves to demonstrate a potential configuration. The detailed design and overall layout of individual buildings would be considered at 'reserved matters' stage if the application is approved.
- 9.12.2 Aside from the above, the suggested design approach is detailed in the Design and Access Statement (DAS), Illustrative Streetscenes (Drawings: 2037/PL06C and

2037/PL07C) and Illustrative Landscape Strategy (HED.1220.101D). These indicative drawings would not be definitive if the application is approved, but would provide context for an assessment of the proposed character of the development. They also help inform design in reserved matters stages, should they be forthcoming.

- 9.12.3 The DAS provides an overarching vision for the design of the site and discusses local character and the wider context. It identifies the contrasting settlement patterns and structures of the adjacent residential areas (i.e. Gadebridge and Piccotts End).
- 9.12.4 Gadebridge is a 1950s-60s new town development and Piccotts End has historically evolved in a linear and ad-hoc fashion. As both of the neighbouring settlements have different characters, the DAS explains that the proposals should ‘...*establish its own sense of place...*’ As such, the proposals indicate a traditional Arts and Crafts style appearance for the buildings. Whilst this does not specifically respond to the adjacent neighbourhoods, the DAS states that this architectural movement was ‘*popular across Hertfordshire.*’
- 9.12.5 The DAS highlights key principles for the development, including: (1) the central woodland as the heart of the scheme; (2) permeability through enhanced pedestrian and cycle routes and a bus hub; and (3) legibility and ease of movement through the avoidance of dead ends and cul-de-sacs and the use of perimeter block patterns. A landscape and ecological buffer is provided, which helps to separate the development proposals from various constraints such as the Roman Villa SAM.
- 9.12.6 DBC’s Urban Designer reviewed the proposals and initially raised some concerns over the spatial principles (see comments in Appendix A). In particular, it was recommended that larger areas of green space be provided through the development to break up the massing to reduce impacts on the Green Belt and landscape character of the area. It was also noted that ‘*the street pattern proposed is...inconsistent with a typical period arts and crafts development.*’
- 9.12.7 In response to the comments, a revised Illustrative Masterplan (Revision U) and a Design Note (dated 17 May 2022) was provided to the LPA, which detailed 11 key amendments. The amendments softened the development through the removal of various elements such as hardstanding and garages, providing more green space and landscaping and introducing a variety of roadway materials, particularly the southern parcel, which was considered most sensitive in landscape terms. Changes to the layout also helped reduce the perception of built form and provide better internal overlooking in sensitive areas (to reduce the fear of crime).
- 9.12.8 The Urban Designer subsequently stated that the ‘*revised masterplan design is working much better*’ although noting that they were ‘*not convinced that the new green linear space is wide enough to adequately provide a visual buffer and break up the development massing.*’ On balance and considering that the detailed design, including layout, is not for consideration at this stage, it is considered that the development proposals are acceptable. However, the Urban Designer requested a number of conditions relating to design, which would ensure that a high quality proposal is achieved. These include:

- A design or quality review panel at the reserved matters stage(s) focusing on the design and vision for the site;
- A requirement for a 'Building for a Healthy Life' assessment to ensure that the parcel layouts and wider masterplan are well-integrated and inclusive for future residents;
- A landscape concept plan to establish key principles and establish the relationship between public and private areas;
- Provision of 3D massing and visuals at reserved matters stage(s) including street scene images and key views from public footpaths including those from the AONB; and
- A limit on the use of white render on buildings to reduce visual harm from the wider landscape and AONB.

9.13 Building Heights

9.13.1 In terms of building heights, the application originally suggested two-storey buildings with three larger, 2.5-storey buildings (see Parameter Plan, 2037/PL03 Rev H). However, it was noted that due south of the site, there are examples of four-storey buildings set within a more spacious, green parkland (see Photograph 4).

Photograph 4 – Four-Storey Apartment Blocks Overlooking Gadebridge Park



9.13.2 The design updates included some larger buildings to provide some open, spacious areas. A number of two-storey units were removed to provide more flatted development including two three-storey blocks. Whilst increasing the height marginally and subsequent visual presence, the introduction of further open spaces around the buildings has an overall positive impact in terms of mitigating landscape harm.

9.14 Accessible and Adaptable Dwellings and Spaces

Planning Policy

9.14.1 Saved Policy Local Plan Policy 18 (the size of new dwellings) states as follows (for open market and affordable housing schemes):

At least 10% of all dwellings on housing sites accommodating 25 or more dwellings shall be designed as life-time homes (i.e. they shall be readily accessible and usable by a disabled or elderly person or capable of adaptation for such use at minimal cost).'

9.14.2 The design approach should also accord with Policies CS18 (Mix of Housing) and CS29 (Sustainable Design and Construction) in this regard.

Assessment

9.14.3 Paragraph 3.3.5 of the Applicant's Affordable Housing Statement states:

Accessible Units and Lifetime Homes – as required by Policy DM10 of the Emerging Local Plan in respect of this type of unit, 100% of all units will be built to M4(1) standard for "Visitable dwellings". In addition, the 10% of open market units (Including self-build and custom homes) will be built to wheelchair accessible units to standard M4(3) instead of 5%. 20% of all of the Affordable Housing will be built to Lifetime Homes under standard M4(2) and M4(3) which again exceeds the requirements of Policy DM10.

9.14.4 All of the above would be captured through more detailed design at reserved matters stages; however, it is useful to understand the Applicant's commitment to exceed emerging policy requirements over accessible units and lifetime homes development to meet the needs of vulnerable groups.

9.15 Designing-Out Crime

9.15.1 It appears that the layout provides natural surveillance in key areas. The Crime Prevention Design Advisor has commented on the proposals and not raised any specific concerns relating to crime prevention. However, they have made a number of suggestions that could be incorporated at latter stages, should the development be approved. As such, it is considered that the LPA in consultation with the Applicant and Hertfordshire Constabulary would be able secure a safe and satisfactory design in relation to crime prevention at reserved matters stage.

9.16 Design Summary

9.16.1 Section 12 of the NPPF23 places great emphasis on the role of good design in place making. The proposed development would provide an acceptable layout, responding to the constraints within and around the site. The proposed appearance, whilst illustrative at this stage, would somewhat differ from the surrounding neighbourhoods/settlements, noting the Arts and Craft style. Although not responding specifically to the neighbouring developments, no specific concerns are raised. The

proposed development would be creating its own sense of place and character and appears to respond appropriately to the key relevant principles within Dacorum's Strategic Design Code, as well as more general design considerations within Core Strategy Policies CS10, CS11, CS12 and CS13.

- 9.16.2 It is emphasised that the reserved matters, in light of the parameters set out in this application and aforementioned conditions, has the opportunity to secure a high quality design scheme with the appropriate level of interest and variety.

9.17 Air Quality

Planning Policy

- 9.17.1 The NPPF23, para. 186, states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.
- 9.17.2 Paragraph 105 also identifies the role that sustainable transport and genuine choices of transport modes can make to reducing congestion and emissions, whilst improving air quality and public health.
- 9.17.3 The Core Strategy, Policy CS32 (Air, Soil and Water Quality), requires development to maintain air quality standards and ensures that any proposals that would cause harm from a significant increase in pollution (including air) by virtue of fumes or particles will not be permitted.
- 9.17.4 Saved Policy 51 of the DBLP ensures that air pollution and air quality implications of transport demands arising from development should be specifically considered.

Assessment

- 9.17.5 The Applicant has provided an Air Quality Impact Assessment (AQIA) produced by Hilson Moran (dated 7 October 2021). It provides a number of mitigation measures based on the Institute of Air Quality Management published guidance. The AQIA notes the measures that would be appropriate for inclusion within the proposed development based on the level of risk of dust related impacts identified for each of the activities.
- 9.17.6 The mitigation measures proposed to be incorporated into the proposed development would be delivered through the implementation of a Construction Environment Management Plan (CEMP). The mitigation measures relate to both the construction and operational phases and includes various things such as a dust management plan, site management techniques, daily inspectors and monitoring, protective screens/various for dusty activities, etc.

9.17.7 The mitigation measures are set out in full in Sections 6.1 and 6.2 of the IAQM. Overall, with the mitigation measures, the residual effects of dust and particulate matter generated by the construction and operational phases of the proposed development is 'not significant'. Furthermore, there are no predicted exceedances of the national Air Quality Strategy's objectives. DBC's Environmental and Community Protection Team have reviewed the proposals and not objected on air quality grounds. It is considered that the details comprised within the Applicant's IAQM could be captured through a CEMP planning condition if the application is approved and therefore, the proposals are considered policy-compliant in terms of air quality.

9.18 Noise and Vibration

Planning Policy

9.18.1 Paragraph 174 of the NPPF23 identifies that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.

9.18.2 Planning '*decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum the potential adverse impact resulting from noise from new development – and avoid giving rise to significant adverse impacts on health and quality of life...*' (Para. 185).

9.18.3 As such, the proposed development should avoid noise and vibration nuisance to surrounding properties/premises in accordance with Policies CS12 and CS32 and Paragraph 130 (f) of the Framework. Any development proposals which could cause harm from a significant increase in pollution by virtue of noise will not be permitted.

Assessment

9.18.4 The application is supported by an Acoustic Planning Report (APR) (dated 11 October 2021) and a Construction Environmental Management Plan (CEMP) (2 November 2021) produced by Hilson Moran. The APR considers the suitability of the site for the proposed uses by measuring existing noise levels affecting the site and the potential impacts of the proposed development on nearby sensitive receptors. The CEMP provides detail on noise and vibration mitigation measures.

9.18.5 The APR focuses on building services plant, road traffic and construction noise. Acoustic models are provided to illustrate the levels of noise that are likely to be experienced at the different building facades and external amenity areas of the proposed development. They identify that the buildings closest to Leighton Buzzard Road would be exposed to the highest environmental noise levels. The APR

indicates that the façade acoustic specifications will be determined based on the final layout at reserved matters stages, should the application be approved. However, it is noted that higher performing glazing and trickle ventilation systems would be required in the areas that overlook or are close to Leighton Buzzard Road.

- 9.18.6 An assessment of the Water Pumping Station to the north has also been undertaken. The results revealed that the noise generated is not significant and therefore the APR does not suggest any specific additional measures to mitigate the noise impact.
- 9.18.7 In terms of road traffic noise, detail of the impact of operational traffic associated with the proposed development is provided. Based on the Calculation of Road Traffic Noise memorandum, an analysis of the traffic data for the surrounding roads has been undertaken. The results indicate that the difference in operational road traffic noise is no greater than +0.5 dB, which would provide no noticeable environmental impacts above the existing day-to-day fluctuation in road traffic noise. According to the adopted criteria (see Table 3.2) a difference in noise level below +1.0 dB is considered negligible and not significant.
- 9.18.8 Construction noise has also been considered. The assessment indicates that there would be some temporary moderate adverse effects. To minimise these negative impacts, the APR suggests following best practice measures.
- 9.19.9 DBC's Environmental and Community Protection Team have reviewed the application in relation to noise and vibration. They have confirmed that, subject to a number of conditions to secure the mitigation measures laid out in the APR/CEMP, the noise and vibration impacts would be acceptable. Therefore, the proposal is considered policy-compliant in this regard.

9.20 Loss of Agricultural Land

Planning Policy

- 9.20.1 The NPPF23 (paras. 174-175) advises local planning authorities to strive to protect the Best and Most Versatile agricultural land (BMV) (classified as Grades 1, 2 and 3a in the Agricultural Land Classification (ALC) system) from 'inappropriate and unsustainable development' and consider areas of poorer quality land (Grade 3b, 4 and 5) for significant development instead.
- 9.20.2 The PPG repeats the NPPF23 in respect of soils, stating that the planning system should protect and enhance valued soils because they are an essential finite resource that provides important ecosystem services, such as a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution.
- 9.20.3 Saved Policy 108 of the DBLP echoes the above approach, stating that development that would result in the permanent loss of BMV agricultural land will be refused, unless it can be demonstrated that there is an overriding need for the development

and there is no alternative land of a lower quality which could reasonably be used. Furthermore, planning permission will not be granted for development that would fragment farm holdings unless mitigation is possible e.g. the land can be incorporated into surrounding holdings and there is no severance of buildings from the land.

- 9.20.4 The Department for Environment, Food and Rural Affairs (Defra) have produced a Soil Strategy for England (2009) that sets out a vision to sustainably manage all of England's soils by 2030. It advises that the protection, use and movement of soils should be considered from the outset of planning projects and through its design, construction, maintenance and operation phases.

Alternative Land

- 9.20.5 As required by the NPPF23 and saved Policy 108, an assessment of alternative land of a lower quality should be undertaken to ensure that BMV land is protected, where possible. The ALC system identifies the whole site as Grade 3 (good-to-moderate quality).
- 9.20.6 The above identifies a constraint in terms of agricultural land quality, however, this must be balanced against the delivery of a significant number of houses and the care home. As discussed earlier, the review of sites within the emerging Local Plan process has the potential of identifying further previously developed sites or those with a lesser agricultural land classification, reducing the need to develop sites with higher quality agricultural land.
- 9.20.7 It is acknowledged that agricultural land is likely to be lost as a result of site allocation through the local plan process. However, the council is currently investigating other sites in urban areas and of a lesser agricultural land quality, which may well reduce the pressure to develop BMV agricultural land.

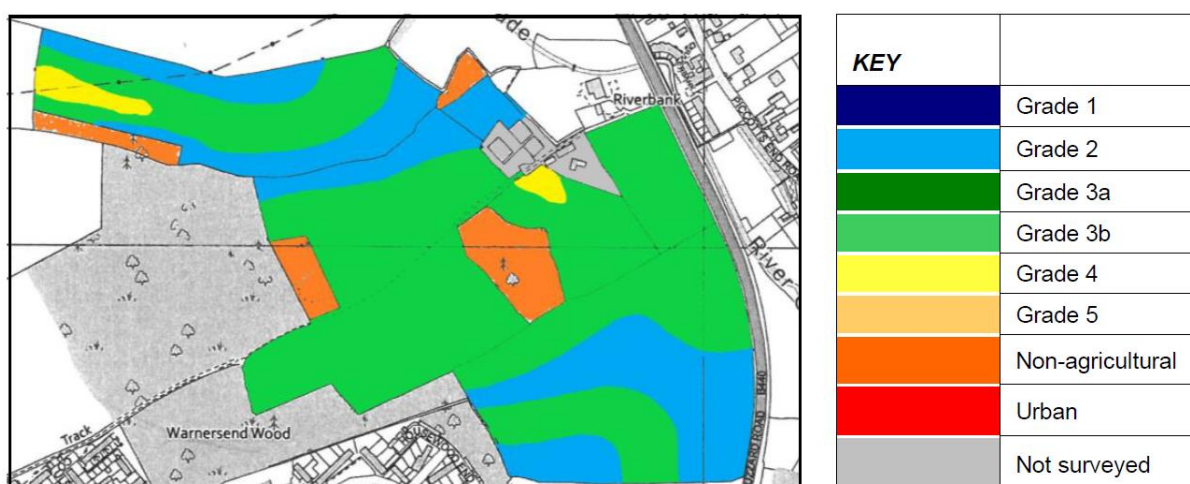
Fragmentation

- 9.20.8 Saved Policy 108 also seeks to ensure that development does not fragment farm holdings. Paragraph 4.29 of the Applicant's Agricultural Land Classification and Circumstances Report (ALCCR) (2021) responds to this, noting that '*development will not result in farm fragmentation.*'
- 9.20.9 The above clarifies that there would be no fragmentation of farm holdings.

Assessment

- 9.20.10 The submitted ALCCR explains that the soil on the site has been analysed in more detail. It identifies that the majority of the site (57%) has an agricultural land quality of Grade 3b, followed by Grade 2 (26%). The remainder comprises Grade 4 (4%) and non-agricultural or not surveyed. Figure 9 illustrates the different grading of agricultural land across the site.

Figure 9 – Agricultural Land Grading extract from Applicant’s ALCCR



9.20.11 The proposals would result in the loss of 7ha of Grade 2 (BMV) agricultural land, which appears to be below the NPPF23’s threshold for considering whether poorer quality land is available i.e. ‘significant development of agricultural land’. Whilst there is no definition of what constitutes ‘significant’ development, Natural England’s “Guide to assessing development proposals on agricultural land” (January 2018) advises LPAs to *‘take account of smaller losses (under 20 hectares) if they’re significant when making your decision’*. This suggests that 20ha is a suitable threshold for defining ‘significant’ in many cases.

9.20.12 The site is currently let to a local farmer for grazing. The ALCCR notes that this is on a short-term, non-secure arrangement and that the holding is too small to operate as a viable, stand-alone farm business. It is therefore suggested that there would be no adverse agricultural effects caused by the development proposals.

9.20.13 The proposals would clearly result in some BMV land being lost, which is considered a dis-benefit of the scheme. There would also be some modest negative economic impacts associated with the loss of this land, which is regrettable. However, when viewed against the requirement for new housing and older person’s accommodation, in addition to the economic and social benefits that would arise from the development, it is not considered that the loss of agricultural land would warrant a reason for refusal. However, limited negative weight is attributed to it. If the application is approved, it is recommended that a ‘Soil Resource Management Plan’ be imposed as a condition, as it would alleviate some of the impacts on soil resources. This would allow various things e.g. the appropriate re-use of the higher quality soils.

9.21 Ecology and Biodiversity

Planning Policy

- 9.21.1 The NPPF23, Section 15 (Conserving and enhancing the natural environment), discusses ecology and biodiversity, stating that planning decisions, amongst other things, should minimise impacts on and provide net gains for biodiversity including by establishing coherent ecological networks most resilient to current and future pressures.
- 9.21.2 Policy CS26 states that development and management action will contribute towards: the conservation and restoration of habitats and species; the strengthening of biodiversity corridors; the creation of better public access and links through green space; and a greater range of uses in urban green spaces.
- 9.21.3 Policies NP1, CS2, CS10 and CS29 also ensure that development proposals improve the environment, regard environmental assets, preserve and enhance green gateways and wildlife corridors and minimise impacts on biodiversity whilst incorporating positive measures to support wildlife.

Assessment

- 9.21.4 The application site includes seven fields of pasture, four woodland parcels, some scrub habitat and hedged field boundaries. In terms of built development, there is a residential dwellinghouse with garden and a modern farmyard with three large agricultural buildings, two grain silos and an area of hardstanding.
- 9.21.5 The proposed development would provide built development on around 60% of the 26 hectare site. The landscaping proposals incorporate planted buffer zones, wildflower areas, a pond, tree and hedgerow planting and the retention and enhancement of the chalk grassland in the north of the site.
- 9.21.6 A number of ecological surveys and assessments have been undertaken by the Applicant dating back to 2016 details of which can be found in the most recent Ecological Impact Assessment (EclA) by the Ecology Co-Op (dated 6 October 2023). A Habitat Creation and Management Plan (HCMP) (dated 24 November 2021) provides specific details on habitat and protected species enhancement measures.

Adjacent Wildlife Sites

- 9.21.7 There are local wildlife sites (LWS) within close proximity to the site. 'Halsey Field and Warner's End Wood' are directly adjacent to the west and 'Meadow by River Gade' is very close to the north. These could be subject to indirect effects from construction and subsequent disturbance from future residents. A footpath is proposed to enable access into Halsey Field, which would likely increase disturbance. A buffer of at least 20 metres is proposed to Warner's End Wood, which exceeds guidance for Ancient Woodland (which requires a minimum of 15 metres).
- 9.21.8 The application proposes fencing to avoid encroachment of construction vehicles, sound barriers and measures to avoid spillage. These would limit impacts on adjacent LWS. Furthermore, around 12 hectares of accessible greenspace would

offset pressures on designated sites. Local signage, fencing, footpath maintenance is would also limit pressures.

- 9.21.9 Overall, there appears to be some conflict between providing recreation for future residents, enhancing areas for biodiversity and limiting ecological impacts. The Ecology Department at Hertfordshire County Council (HCC) have assessed the impacts on the LWS and note, *'Any impacts to the three closest sites are not considered to be significant beyond the local level but likely to be negative.'*

On-Site Ecology

- 9.21.10 Table 13 of the EclA provides current detail on the ecological features within the site, which include impacts on foraging habitats and wildlife. Protected species were identified including badger setts, roman snails, roosting bats and a variety of bat roosting habitats. A number of breeding bird species also uses the site. Detail of the proposed mitigation is provided in addition to what licenses that would be required (e.g. regarding badger setts).
- 9.21.11 In terms of mitigation, the HCMP provides details on the protection of retained habitats. For example, it highlights the need for buffers around sensitive parts of the site to avoid conflicts during construction phases (e.g. badger fencing to minimise the risk of badgers crossing into the construction zone). It also makes recommendations for the operational phases, for example, traffic-calming measures around the central woodland and a badger tunnel underneath the central ring road to allow safe movement of badgers. A 'no light zone' is proposed (see Figure 10 of the HCMP) to maintain a low-light corridor between specific habitats.
- 9.21.12 Other mitigation and enhancements including log piles for roman snails, bat access tiles with bat lofts (10 properties), 30 bat tubes, 26 bat boxes, 35 swift nest boxes, 35 house martin nest boxes and 35 house sparrow terrace boxes. It is also stated that best practice construction measures would be put in place to minimise potential ecological harm.
- 9.21.13 In terms of post-construction management, details have been provided for the management of the grassland and wildflower, woodland, pond, tree and scrub and hedgerow areas. Management operations include things such as replacement planting should it fail to establish; inspections of the badger tunnel, bat boxes and meadows, woodlands and water habitats; and timed maintenance of specific areas (e.g. hedgerows, trees and scrubs would only be cut outside nesting seasons and the wildflower meadow would only be cut and gathered late-summer).
- 9.21.14 The Ecology Department have reviewed the proposals and have indicated that the detail provided is sufficient to enable determination in terms of local site impacts (i.e. on-site ecology and adjacent sites). Whilst there is a loss of local biodiversity, in itself is insufficient to represent a fundamental constraint on proposals. Subject to an updated HCMP, Biodiversity Gain Plan, updated Biodiversity Metric, lighting scheme and inclusion of the proposed mitigation measures (from the HCMP Plan) into a CEMP, the Ecology Department have no objection on local site impacts.

9.21.15 Taking the County Council's response into account and subject to conditions capturing the proposed mitigation, enhancement and future management/maintenance details, the proposals are deemed acceptable in relation to local ecology. However, as noted in the 'Chilterns Beechwoods Special Area of Conservation – Habitat Regulation Assessment (HRA)' section, there is no evidence that the HRA issue would be adequately dealt with. As this issue is outstanding, the application is unable to receive the full support of the County Council or LPA in relation to ecological matters.

9.22 Biodiversity Net Gain

9.22.1 The site includes a mixture of the following habitats:

- Other Neutral Grassland
- Modified Grassland
- Mixed woodland – semi-natural
- Broadleaved woodland – semi-natural
- Buildings
- Scrub dense and continuous
- Scattered trees
- Hedgerows

9.22.2 Details of habitat enhancement are provided in the HCMP. They include various things such as enhancing the grassland, additional planting around the woodland boundary, creation of wildflower meadows, tree planting across the site, shrub and hedgerow planting, pond creation and woodland enhancements.

9.22.3 In terms of hedgerows, a 60-metre stretch of native species rich hedgerow would be lost on the eastern boundary to accommodate the site access. Internally, a total of 354 metres of native hedgerow would be lost. To mitigate this loss, the planting scheme incorporates 2,170 metres of new hedgerow. The proposed hedgerows would include a mixture of (a) native, (b) native species rich and (c) native species rich with trees. It is also proposed to plant two tree lines approximately 134 metres in length.

9.22.4 A Biodiversity Impact Calculation (dated 6 October 2023) has been provided based on the Biodiversity Metric 4.0. The overall conclusion is that there would be a net increase of 13.12 habitat units, totalling 10.48% net gain. In terms of hedgerow units, there would be a gain of 4.63 hedgerow units, totalling 20.36% net gain. The information provided therefore establishes that the proposed development can achieve more than 10% biodiversity net gain on the site.

9.22.5 Overall, it appears that proposed biodiversity net gain can be achieved on site. This will need to be captured within a section 106 agreement if the proposed development is approved.

9.23 Existing Trees and Vegetation, Proposed Planting and Landscaping

Planning Policy

- 9.23.1 The NPPF23, para. 131, identifies 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 decisions should ensure that new streets are tree-lined unless there are clear, justifiable and compelling reasons why this would be inappropriate. Further, opportunities should be taken to incorporate trees elsewhere e.g. parks and community orchards. Appropriate measures should be in place to secure long-term maintenance of newly planted trees and retain existing trees wherever possible. Section 15 of the Framework also discusses the character and beauty of trees and woodland and seeks to retain ancient and veteran trees.
- 9.23.2 Local policies in the Core Strategy (Policies CS12 and CS13) and Local Plan (saved Policies 99 and 101) seek to preserve woodlands, trees and hedgerows and provide suitable replacements if their loss is justified; provide planting to help assimilate development and softly screen settlement edges; encourage living walls and soft landscaping; and give consideration to existing and proposed trees to ensure that harmonious relationships exist with new developments.

Assessment

Existing Trees

- 9.23.3 There are 193 surveyed trees or groups of trees on or near the site. Of these, six are category 'A' (high quality), 84 are category 'B' (moderate quality), 97 are 'C' (low quality) and six are category 'U' (unsuitable for retention). The trees proposed for removal and retention are illustrated on the submitted Tree Protection Plan (see Appendix A of the Tree Report by Arbortrack dated 20 August 2021).
- 9.23.4 The outline proposals require the removal of the following trees to allow or facilitate development: G30 (partial), 31, H82, 125a, H132, 133-135, 137, H140a, 145a, 145b, 151, 152, 153, 153a, 154-157 and G164. As such, 19 individual trees would be removed, part of one group and one group in its entirety. Five of the trees being removed are category 'B' and the rest are category 'C'.
- 9.23.5 The proposed tree protection measures are detailed in Section 8 of the Tree Report and the Tree Protection Plan. They detail various measures such as protective fencing and no-dig specifications for pathways within root protection zones. A number of best practice recommendations are also set out in Section 10.
- 9.23.6 Overall, considering the nature and scale of the development proposals, there would be a limited impact on existing trees. The vast majority would be retained and efforts have been made to retain the higher quality trees on the site. There is sufficient

separation between retained trees and the proposed properties, therefore ensuring a harmonious relationship in the future.

- 9.23.7 Taking all of the above into account and subject to various conditions relating to tree protection measures, future maintenance and the proposed planting, the proposals are considered acceptable with regards to the impacts on existing trees.

Proposed Planting

- 9.23.8 The application is supported by an Illustrative Landscape Strategy (see Appendix 1 of the LVIA, drawing HED.1220.006). It provides an overarching strategy including native hedgerow planting, native and ornamental trees, wildflower meadow and woodland matrix planting. The scheme also suggests infilling/reinforcing existing hedgerows where necessary. In addition, the Applicant has agreed that larger structural planting (e.g. Sycamore and Oak trees) can be provided, details of which can be agreed at reserved matters stage.

- 9.23.9 Overall, the proposed planting is considered acceptable. The illustrative details show a significant increase in the number of new trees, vegetation and different habitats on the site (e.g. meadow planting, woodland matrix planting, etc.). Subject to the imposition of conditions relating to the proposed planting, no objections are raised.

Hard and Soft Landscaping

- 9.23.10 Landscaping is a reserved matter. However, the Illustrative Site Plan provides a landscaped buffer to the site boundaries and the retention of woodland areas within the site. The Planning Statement indicates that these could be managed through the establishment of a management company. The proposed layout provides a number of new landscaped amenity and open space areas.

- 9.23.11 At this outline stage it appears that the illustrative landscaping proposals are acceptable. A more detailed hard and soft landscaping scheme would be sought via a reserved matters stage or conditions should the application be approved.

9.24 Flood Risk and Drainage

Planning Policy

- 9.24.1 The NPPF23, Section 14, states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Core Strategy Policy CS31 echoes this approach.

- 9.24.2 Paragraph 169 of the NPPF23 states that major developments are expected to incorporate Sustainable Drainage Systems (SuDS) with appropriate operational

standards, maintenance arrangements and where possible, provide multifunctional benefits.

9.24.3 The PPG identifies that new developments should be designed to provide adequate flood risk management, mitigation, and resilience against the 'design flood' for their lifetime.

9.24.4 This is a flood event of a given annual flood probability, which is generally taken as fluvial (river) flooding likely to occur with a 1% annual probability (a 1 in 100 chance each year), or tidal flooding with a 0.5% annual probability (1 in 200 chance each year), against which the suitability of a proposed development is assessed and mitigation measures, if any, are designed.

Assessment

9.24.5 The application site is currently occupied by arable land within Flood Zone 1 (lowest risk of flooding). However, there are two main surface water flow routes through the site. These have been identified in the Applicant's Flood Risk Assessment and Surface Water and Foul Drainage Strategy by Hilson Moran (November 2021).

9.24.6 The Lead Local Flood Authority ("LLFA") have reviewed the submitted document and highlighted that it was lacking in several areas, such as:

1. Management of existing flood risk and details relating to the overland flow route;
2. Feasible discharge mechanism;
3. Post development calculations/ modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including an allowance for climate change;
4. Appropriate management and treatment to provide water quality and reduce the maintenance risk; and
5. Clarification of phasing approach.

9.24.7 The Applicant provided a supplementary technical note dated 28 September 2023 addressing the concerns, however, at the time of writing this report no formal response has been received from the LLFA. It is therefore unclear whether flood risk and drainage would pose as a constraint to the proposed development. Members will be provided with an update prior to or at development management committee in this regard.

9.25 Lighting

Planning Policy

9.25.1 Saved Policy 113 of the DBLP permits exterior lighting, provided it, amongst other things, does not have a significant impact on the natural environment. In rural areas and other parts of the countryside, provision of new exterior lighting will be minimised.

9.25.2 Saved Appendix 8 of the DBLP explains that in the assessment of new proposals, the environmental impact of new exterior lighting will often be a material planning consideration. It highlights, amongst other things, that the strictest control over outdoor lighting is essential to maintain the dark landscapes of the open countryside and AONB – justification is therefore required for external lighting in these areas.

9.25.3 The Institute of Lighting Professionals (ILP) guidance notes should also be considered when assessing the impacts of light from proposed developments.

Assessment

9.25.4 The proposals would increase lighting through the construction and operation phases of the development, resulting in subsequent impacts on landscape character and the natural environment. The LVIA identifies that lighting effects would occur due to indirect construction activity and additional lighting caused by operational activity of people living in the dwellings. It states that at year 15 (post-construction), potential lighting effects would continue. The DAS highlights the importance of '*a sensitive lighting scheme to prevent disturbance to bats.*'

9.25.5 When comparing the proposed development to what currently exists on site, it is clear that there would be a significant increase in light. This may result in some harm to landscape character and ecology. To reduce these impacts as far as possible, it is considered that a lighting strategy condition be imposed if the application is approved.

9.26 Contamination

Planning Policy

9.26.1 Proposed developments must ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the NPPF23.

Assessment

9.26.2 The site is underlain by shallow chalk bedrock. Superficial deposits of silt, sand and gravel are present along the east area of the site in the historic flood plain of the River Gade. Further deposits are located in the central and southwest areas of the site. The chalk is classed by the Environment Agency as a Principal Aquifer. Most of the Site lies within the Inner Catchment of a groundwater 'Source Protection Zone'. Immediately north of the Site is a potable supply pumping station operated by Affinity Water.

- 9.26.3 The Applicant has provided a Phase 1 Contaminated Land Assessment, which identifies that the risk from the development and use of the site is, without mitigation, considered to present a medium risk to groundwater. However, with appropriate construction practices (including development of a Construction Environmental Management Plan), completion of detailed intrusive soil and groundwater surveys, development of a Foundation Works Risk Assessment, and the detailed design of a drainage systems, it is considered that the risks would be reduced to low. These elements would need to be conditioned if the application is approved.
- 9.26.4 DBC's Environmental and Community Protection Team have reviewed the application, providing that, upon review of their records, they have no objections to the proposed development based on land contamination issues. However, as the proposals involve a sensitive (residential) use on land that has included mineral extraction and commercial agriculture, they have requested two planning conditions. These conditions will ensure that the Applicant demonstrates that the potential for land contamination has been appropriately assessed, should the application be approved. Taking this into account, it is considered that risks from land contamination can be minimised and would therefore not hinder the development proposals.

9.27 Residential Amenity

Planning Policy

- 9.27.1 The impact on the established residential amenity of neighbouring properties is a significant factor in determining whether the development is acceptable and Paragraph 130(f) of the NPPF23 states that developments should provide a high standard of amenity for existing and future users.
- 9.27.2 Policy CS12 states that, with regards to the effect of a development on the amenity of neighbours, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.
- 9.27.3 Saved Appendix 3 (Layout and Design of Residential Areas) requires new developments to provide sufficient space around residential buildings to avoid a cramped layout and maintain residential character. Spacing between buildings ensures privacy and allows movement around buildings for maintenance and other purposes.

Assessment

Neighbouring Properties

- 9.27.4 It appears that the 'Engineers House' sited next to the Piccotts End Pumping Station north of the site is the closest residential property to the 'developable land', as shown on the Parameter Plan (2037/PL.03, Revision K). It is sited circa 29 metres away, which exceeds the recommended 23-metre back-to-back distance to ensure privacy in saved Appendix 3 of the DBLP. The indicative properties also are orientated in a

way to further reduce any impacts in terms of overlooking or visual intrusion on this neighbour. It is proposed that the boundary vegetation be retained, which would also act as a visual buffer.

- 9.27.5 The closest neighbouring properties at Gadebridge and Piccotts End are some 56 metres and 106 metres away, respectively. Taking this into account, it is unlikely that there would be any significant impacts relating to visual intrusion, loss of sunlight and daylight, and loss of privacy to the surrounding properties.

Proposed Properties

- 27.6 At this stage the exact layout and orientation of the proposed properties has not been established. Therefore, an accurate assessment of residential amenity for future occupiers is not known. The proposals would be assessed in more detail at reserved matters stage in this regard, if the application is approved.

9.28 Healthy Communities - Open Space, Play Provision and Sports Facilities

Planning Policy

- 9.28.1 Paragraph 93 of the NPPF23 requires planning decisions to provide social, recreational and cultural facilities and services the community needs, including the provision and use of shared spaces such as open spaces.
- 9.28.2 Paragraph 92 (c) highlights explains that planning decisions should aim to achieve healthy, inclusive and safe places, which enable and support healthy lifestyles for example through the provision of safe and accessible green infrastructure, sports facilities, access to healthier food, allotments and layouts that encourage walking and cycling.
- 9.28.3 Paragraph 98 emphasises the importance of providing a network of open spaces and opportunities for sport and physical activity.
- 9.28.4 Saved Policy 76 (Leisure Space in New Residential Developments) explains that residential developments of over 25 dwellings will not be granted planning permission unless public leisure space is provided. This open land should be provided at a standard of 1.2 hectares (3 acres) per 1000 population or 5% of the development area whichever is greater and should be useable, well located and purposefully designed. Major Developments will also be required to contribute to other recreational needs of the development such as off-site provision of sports pitches or enhancements to other open spaces.
- 9.28.5 Saved Appendix 6 provides further detail on requirements for open space and play provision and requires the consideration of the National Playing Fields Association (NPFA) standards with a total of 2.8 hectares per 1,000 population; including: 1.6ha of adult/youth play (including pitches, 0.6ha for children's play over 5's, 0.2ha for under 5's and 0.4ha for additional leisure space.

9.28.6 In 2019, DBC commissioned and published several documents including: Open Space Standards Paper (OSSP) (2019); Playing Pitch Strategy and Action Plan (2019); and the Indoor Leisure Facilities Needs Assessment (2019) to provide an evidence base for the emerging Plan and provide direction to inform decisions on future strategic planning. The OSSP uses Fields in Trusts (FIT) standards for assessing current provision and existing deficits in the quality and quantity of play spaces and parks and gardens in the Borough.

9.28.7 The FIT: Guidance for Outdoor Sport and Play (2020) also provides guidance on the recommended quantity of equipped/designated play space. Table 2 of the FIT guidance sets out recommended benchmark guidelines for the provision of play space, which should be provided on site in accordance with the minimum sizes set out in Table 4. Table 2 explains that Local Areas of Play (LAP) should be provided for developments of 5-10 dwellings; Locally Equipped Areas of Play (LEAP) for developments of 1-200 dwellings; and contributions towards an off-site Neighbourhood Equipped Area for Play (NEAP) for developments of 201-500 units. The guidance also notes that a Multi-Use Games Area should be provided for developments of 201-500 dwellings.

Assessment

Open Space

9.28.8 The application site is approximately 26.3 hectares. The residential element (390 units) would provide around 936 new residents, based on an estimated population of 2.4 persons per household. The 70-bed care home would provide around 105 additional residents. The total population would therefore be in excess of 1000 residents. Based on the above standards i.e. 5% of the development area, an approximate total of 1.315ha of open public leisure space should be provided in-line with saved Policy 76. A rough calculation of open space based on the Illustrative Masterplan reveals that at least 7.15ha of open space would be provided, which excludes play spaces, amenity verges and water features. Taking this into account, it appears that the site would provide ample outdoor open space, in excess of local policy requirements.

Play Provision

9.28.9 The indicative proposals offer two LAPs and a LEAP. The FIT accessibility guidelines for acceptable walking explain that LAPs should be provided within 100 metres of dwellings and LEAPs within 400 metres. Based on the illustrative layout, it appears that all of the properties would be within acceptable walking distances of a play space, with the furthest property from the LEAP being around 330 metres away.

9.28.10 The FIT also highlights that for applications between 201-500 dwellings, an appropriate contribution towards a Neighbourhood Equipped Area for Play (NEAP) should be provided. DBC's OSSP (2019) and draft Infrastructure Delivery Plan (IDP) (2020) identify that the provision levels of children's play space in Hemel Hempstead

show that the existing provision is not sufficient to meet the needs of the current population, and that they are operating at over capacity. Table 49 of the IDP notes that five new NEAPs will be required over the emerging Plan period.

9.28.11 Rather than provide an off-site NEAP contribution, it is considered acceptable to provide an 'enhanced LEAP' on the site, which would provide some additional play experiences and areas to cater for both younger and older children. This has been included within the draft legal agreement.

9.28.12 It is considered that the provision of the on-site play areas (LAPs and enhanced LEAP) would be sufficient to provide an acceptable amount of play provision in accordance with planning policy and guidance. The play space provision and further detail (e.g. the play equipment specifications, etc.) would be captured through the S106 agreement and planning conditions should the application be approved.

Sports Provision

9.28.13 The proposals do not provide any sports facilities on site. However, there would be additional demand for sports facilities generated by the population of the proposed development. The draft IDP highlights that in Hemel Hempstead there are current and future demand shortfalls in outdoor sports, particularly in relation to football and rugby. In this regard, it explains that contributions should be sought from development using the Sport England's Playing Pitch Calculator. In addition, it identifies that there are shortfalls in indoor facilities, specifically indoor swimming lanes, as per DBC's Indoor Sports Facilities Strategy (2020). Contributions should be sought via the Sport England Sports Facility Calculator. The FIT guidance notes that applications between 201-500 dwellings should provide a multi-use games area (MUGA).

9.28.14 Sport England have responded to the application and provided outputs from their playing pitch and sports facility calculators. They have requested financial contributions based on the demand data for the proposed development. Detail on a number of local projects have also been provided that could be funded through the contributions, which would improve and increase the capacity of facilities to accommodate the increased usage associated with the development. As such, subject to the required financial contributions being secured through the S106 agreement, the proposals are considered to provide adequate sports provision.

9.29 Healthcare

9.29.1 The Hertfordshire and West Essex Integrated Care Board (HWE ICB) have assessed the impact of the proposed development on existing primary health care provision. They note an estimated population increase of circa 1,041 new patients in the primary care network. As such, a financial contribution towards primary care has been requested. The Applicant has agreed to the financial contribution, which would be used to fund NHS projects in the vicinity (see full details their comments in Appendix A). Taking this into account, it is considered that the proposals would meet the healthcare demands generated by the proposal.

9.30 Socio-Economic Impacts

Planning Policy

9.30.1 The NPPF23 explains that local planning authorities should secure developments that improve the economic, social and environmental conditions of the area (see Paragraph 38).

Assessment

9.30.2 A Socio-Economic Study (2021) has been provided by the Applicant, which highlights a number of issues such as the delivery of housing, current needs for housing and the national and local affordability crisis.

9.30.3 It also explains the contribution of the proposed development in terms of:

- Economic benefits from construction and the associated jobs;
- Increased residential spending from the future population of the development;
- The provision of affordable housing and a care home, including the associated care home jobs.

9.30.4 Although not listed within the Socio-Economic Study, it is also acknowledged that the scheme would provide some other localised social benefits, such as the over-provision of open space and the proposed play areas, which may benefit the neighbouring communities.

9.30.5 There is no doubt that the proposals would result in some significant social and economic gains by providing the above social infrastructure. The Socio-Economic Study emphasises the dire need for housing, affordable housing and older persons accommodation in the borough in addition to the benefits of the scheme. These are acknowledged by the LPA. The Applicant has put forward the socio-economic benefits as part of their case for very special circumstances and they will be given due weight in the planning balance at the end of this report.

9.31 Education

Planning Policy

9.31.1 Policy CS23 and Paragraph 95 of NPPF23 explain the need to provide sufficient education facilities to accommodate new development.

Assessment

- 9.31.2 The Socio-Economic Study has provided some detail on education facilities and capacity around the site, noting that primary and secondary schools with 2.7km and 5.6km radiuses of the site are operating at 95% and 83% capacity, respectively. As such, it indicates that there would be sufficient spare capacity to accommodate for the additional demand arising from the proposed development in the wider area.
- 9.32.3 The Children's Services Team at HCC have responded, noting that local primary schools are constrained in terms of expansion and therefore, based on current allocation trends, it is unlikely that all of the pupil yield from the proposed development would obtain places the closest local schools. Therefore, children from the development would be scattered across a wider area. They have highlighted a specific concern regarding primary education, noting that, based on the dwelling mix and population trajectory, the proposed development would have a peak yield of circa 141 primary-aged pupils and 19 nursery-aged pupils.
- 9.32.4 The County have identified two potential projects that could be funded by the development to cater from the predicted pupil yield including the expansion of Gade Valley Primary School or potentially the development of a new primary school located within local plan allocation HH01/02. A specific financial contribution has been requested based on the Hertfordshire Demographic Model (see comments in Appendix A for full details). The County have not raised concerns with secondary education. Therefore, sufficient capacity exists in the wider area to accommodate for the yield of secondary-aged pupils associated with the proposals. No contributions have been requested in this regard.
- 9.32.5 Children's Services have also requested a financial contribution for special education needs and disabilities (SEND) provision. They have provided details on the relocation and enlargement of a SEND facility and explain that the contribution would help to ensure that pupils with severe learning difficulties from the development would have access to a suitable school.
- 9.32.6 Subject to an agreement on the requested contributions and a completed legal agreement capturing these, the application is considered acceptable on education grounds.

9.33 Climate Change and Sustainability

Planning Policy and Building Regulations

- 9.33.1 The NPPF23 identifies that the purpose of the planning system is to contribute to the achievement of sustainable development. This encompasses economic, social and environmental factors.
- 9.33.2 Proposals should be designed in accordance with DBC's 'Be Lean (use less energy), Clean (supply energy efficiently) and Green (use renewable energy)' principles (see Figure 16 (p.121) of the Core Strategy). Policy CS28 requires new developments to minimise carbon emissions and CS29 requires new development to comply with the

highest standards of sustainable design and construction, laying out a number of principles to be satisfied.

9.33.3 DBC's Strategic Design Code SPD highlights the following in relation to energy generation on large developments: *'8.7.2 For large developments, incorporation of sustainable district heating and power networks (CHP) where this is an appropriate solution, and community energy schemes.'*

9.33.4 The Building Regulations drive minimum energy efficiency and carbon reduction improvements in new buildings. In June 2022 the new interim update to Building Regulations: Part L (2021) came into force, requiring higher performance targets – CO2 emissions are reduced by 31% for dwellings and 27% for other buildings compared to the previous minimum standards – and a new emphasis on low carbon heating systems. These are an interim step towards the Future Homes Standard (FHS) and Future Buildings Standard (FBS) that will arrive in 2025. The FHS has been confirmed as requiring around 75% carbon reduction for new homes from Part L to demonstrate compliance.

Assessment

9.33.5 The Energy and Sustainability Statement by Love Design Studio (2021) explains the Applicant's intention to provide an on-site cumulative CO2 reduction of 59.6%. It details various methods e.g. improved building insulation U-values, natural ventilation methods, orientation and site layout for solar gain and solar shading, air source heat pumps, solar panels, etc. to achieve this.

9.33.6 The Statement also indicates that there is potential for a site-wide communal heat network that could potentially be linked with a neighbouring development (Marchmont Farm ref: 19/02749/MOA). At this stage, limited details have been provided in this regard, however, the Statement notes that *'this option has been identified and will continue to be explored as the scheme progresses through the RIBA stages.'*

9.33.7 Based on the above and subject to conditions requiring the carbon reduction to be adhered to, the proposal would meet existing policy requirements in terms of sustainability and carbon emissions. However, it is noted that the emerging FHS and FBS standards, which are proposed to come online in the next couple of years, are likely to require a higher CO2 reduction.

9.34 Heritage, Archaeology and Conservation

Planning Policy

9.34.1 The Planning (Listed Building and Conservation Areas Act 1990, Sections 16 and 66 require LPAs to have special regard to the desirability of preserving historic buildings and their settings. Special regard must be given by the decision maker, in the exercise of planning functions, to the desirability of preserving (i.e. keeping from harm) listed buildings and their setting. Section 72 requires special attention to be

paid to the desirability of preserving or enhancing the character of conservation areas.

- 9.34.2 The specific historic environment policies within the NPPF23 are contained within paragraphs 189-208. Paragraph 197 states that in determining planning applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 199 outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation, including buried archaeology. Paragraph 200 provides that any harm to or loss of significance of a designated heritage asset should require clear and convincing justification. Paragraph 201 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, LPAs should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 202 states that this should be weighed against the public benefits of the proposal. The NPPF23 therefore does allow for a degree of harm to a heritage asset in particular circumstances but there is a strong presumption in favour of the preservation of designated heritage assets.
- 9.34.3 Saved Policy 118 states planning permission will not be granted for development which would adversely affect scheduled ancient monuments or other nationally important sites and monuments, or their settings. Consideration is also given to the Ancient Monuments and Archaeological Areas Act 1979.
- 9.34.4 Saved Policy 119 of the DBLP states that every effort will be made to ensure that any new development liable to affect the character of an adjacent listed building will be of such a scale and appearance, and will make use of such materials, as will retain the character and setting of the listed building.
- 9.34.5 Policy CS27 of the Dacorum Core Strategy seeks to ensure that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced, with development positively conserving and enhancing the appearance and character of the Conservation Areas.
- 9.34.6 Other useful documents include Historic England's 'Good Practice Advice' note, which provides assistance concerning the assessment of the setting of heritage assets.

Assessment

- 9.34.7 The application site is located adjacent to Piccotts End Conservation Area to the east and within close proximity to a number of listed buildings (see Figure 9). Gaddesden Hall, Grade II* (not shown below) is also situated around 600 metres north of the proposed built development zone. In terms of buried features, the Gadebridge Roman Villa SAM is located directly south of the site and an Area of Archaeological Significance extends into the site (see Figure 10).

[illegible]

9.34.8 The impact of the proposed development upon individual heritage assets was considered low by DBC's Conservation Officer. However, they have highlighted that many of these assets are linked to the agricultural landscape and understanding of the listed buildings. As such, it is considered to cumulatively impact on the significance of the heritage assets.

- 9.34.9 The site is on a valley slope, which rises to the west. The proposed built development would be prominent within the landscape setting and existing views from Piccotts End would alter from an existing rural, agricultural feel to more of a suburban character. DBC's Conservation Officer has indicated that Piccotts End would lose its rural character, detrimentally impacting its significance. Subsequently, the proposals would cause harm to the setting and significance of the designated heritage assets. This appears to align with the Applicant's Heritage Statement (Turley Heritage) and comments from Historic England. All three parties appear to agree that the harm is less than substantial at a moderate scale to the conservation area and less than substantial and at a low level to the listed buildings. Therefore, there is no dispute over the level of harm to these heritage assets, which primarily caused by the urbanising effect on the rural character of the historic village, Piccotts End.
- 9.34.10 The site shares its southern boundary with the northern edge of Gadebridge Roman Villa, a nationally important SAM. The substantial bathing pool is one of the largest to be found on a Roman Villa site and only the large bath at Bath surpasses it in size. It appears that the site formed part of the Villa's supporting agricultural land. Given the proximity of the proposed development and the change of character that would arise, there would be harm to the setting of the SAM, as it existed in a rural farm setting within the Gade Valley.
- 9.34.11 DBC's Conservation Officer notes that the proposals would cause harm to assets with the highest level of protection (Grade I 130-136 Piccotts End, Grade II* Marchmont Arms and the SAM) in addition to the grade II buildings and the conservation area. Whilst the proposals indicate that the harm would reduce over a 15-year period due to the proposed landscaping/planting, the Conservation Officer does not believe this would be sufficient to mitigate the harm to the designated heritage assets. Other mitigation is offered e.g. the use of natural clay tiles and brickwork. In particular, the avoidance of render, which could 'draw the eye' was considered helpful by the Conservation Officer. However, the overall reduction of harm, even with this mitigation, is considered minimal.
- 9.34.12 The Conservation Officer has helpfully suggested '*additional heritage gain*' that could be explored. For instance, interpretation boards for the SAM site, planting on open areas to highlight the roman field system or the creation of a conservation area appraisal document to better help understand the asset. However, their overall conclusion is that the overall balance of harm (as discussed above) when taken cumulatively is considered unacceptable.
- 9.34.13 Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving listed buildings and their settings. Special attention must also be paid to the desirability of preserving or enhancing the character or appearance of conservation areas, as per Section 72. Paragraph 199 of the NPPF23 states that great weight should be given to designated heritage assets. Paragraph 193 also makes clear that the more important the asset, the greater weight that should be given to its conservation. The Gadebridge Roman Villa SAM is among the highest order of designated heritage assets nationally.

9.34.14 Paragraph 196 of the Framework states that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

9.34.15 There are a number of heritage assets within close proximity to the site, namely Gadebridge Roman Villa SAM, numerous listed buildings and the Piccotts End Conservation Area. Many of these assets are linked to the agricultural landscape, which includes the application site. The proposed development would be situated on the western valley slope and the built development would be prominent within the landscape setting, eroding the rural character. Consequently, the proposals would cause harm to the setting and significance of the designated heritage assets. The identified harm is less than substantial at a moderate scale to the Conservation Area and less than substantial and at a low level to the listed buildings. There would also be harm to the setting of the SAM, as it existed in a rural farm setting.

9.34.16 When weighing up the public benefits of the proposed development, including the very substantial weight given to the market housing and affordable homes and substantial weight afforded to the self and custom housing and care home, they are not considered to outweigh the harm to the heritage assets, which are given considerable importance and weight. The proposals therefore conflict with Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, saved Policies 119 and 120 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraphs 189-208 of the NPPF23.

Archaeology

9.34.17 As shown in Figure 9, around half of the southernmost field is a designated Area of Archaeological Significance. This denotes the site of the Roman Villa. A coin deposit of Roman bronze coins and other bronze objects (rings, brooches, bracelet fragments) have been found adjacent to the southern boundary of the site.

9.34.18 An archaeological geophysical survey has been undertaken by Archaeology South-East, followed by archaeological trial trenching. The evaluation revealed a number of ditches, pits, gullies and postholes, which suggest a late Bronze Age/early Iron Age hilltop settlement. Archaeological ditches of possible Iron Age/early Roman were investigated in the northern part of the site and numerous Roman ditches, almost certainly associated with the Roman Villa, in the south. These southern ditches comprised a substantial amount of Roman pottery, brick and tile. There was also evidence of iron smithing. In addition, some residual worked flint suggests other historic activity within the broader landscape.

9.34.19 The Archaeology Unit at HCC have reviewed the archaeological details. They have stated that *'the position and details of the proposed development are such that it*

should be regarded as likely to have an impact on significant heritage assets with archaeological interest'. However, despite acknowledging harm, they consider that, should planning permission be granted, suitable archaeological planning conditions be added (see comments in Appendix A) to help mitigate the impacts.

9.34.20 In summary, the work done to-date and ability for further work through later stages of the planning application process has satisfied the Archaeology Unit. On balance, whilst harm is identified, it is considered that suitable archaeological mitigation could be captured via condition and therefore, would not pose a constraint to these proposals.

9.35 Connectivity, Highway Implications and Parking Provision

Planning Policy

9.35.1 Policies CS8, CS9 and saved Policy 51 seek to ensure developments have no detrimental impacts in terms of highway safety. Paragraph 111 of the NPPF23 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.'*

9.35.2 Paragraphs 110 and 112 require development, amongst other things, to promote opportunities to, and prioritise, sustainable travel modes, as well as providing safe, secure and attractive plans to minimise scope for conflicts between pedestrians, cycles and vehicles.

9.35.3 Policy CS12 seeks to ensure developments have sufficient parking provision. The NPPF23 states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles.

9.35.4 DBC's Parking Standards (2020) SPD provides policy guidance for the amount of parking provision required for new developments.

Existing Conditions

9.35.5 The site benefits from an existing vehicular access onto Leighton Buzzard Road immediately south of the Piccotts End pumping station. There is a second access point further south, circa 220 metres from the pumping station access, providing a gated agricultural vehicular access point to the site. There are a number of pedestrian access points that link to the existing public right of way network.

9.35.6 Table 2.2 of the submitted Transport Assessment (TA) (2021) by SK Transport Planning provides details on local destinations and walk/cycle distances from the site, from both the eastern vehicular access and the north-eastern pedestrian access.

It provides that certain facilities are within 20 minutes' walk (e.g. a primary school, park, convenience store, community building and public houses).

9.35.7 The nearest bus stops are located on Piccotts End Road, around 200 metres from the proposed pedestrian cycle/access in the north-eastern corner of the site. Further bus stops are available on Galley Hill. The TA notes that although there are existing bus services, the frequency of service is limited and the locations of the stops would not be attractive for end occupiers to walk to and from to access the bus service to access the town centre and other local destinations.

9.35.8 Hemel Hempstead railway station is sited around 2.5 miles from the site, providing frequent services north to Milton Keynes and Northampton, and south to London. It is acknowledged that whilst the station is within cycling distance from the site, future residents would be less likely to walk when considering the distance.

9.36.9 Leighton Buzzard Road provides a strategic route from south Hemel Hempstead to Leighton Buzzard but also provides access points to residential and commercial uses. The stretch of road that runs adjacent to the site is subject to the national speed limit, which reduces to 50mph just north of the pumping station. Similarly, the speed limit reduces to 50mph as you approach the Galley Hill roundabout.

9.37.10 There is a footway along the western side of Leighton Buzzard Road, leading south from the site. There is also a public footpath on the eastern verge but this is overgrown and not particularly pleasant for walking. The road and footpaths are not lit.

9.37.11 Five years of collision data has been provided by HCC, split into five 'study areas' around the site. The data is summarised in Tables 3.1 to 3.5 of the TA. It was concluded that the number of collisions, pattern, severity and causation within the study areas was 'not considered to be unusual across this five year period'. However, it was identified that there was a general pattern across the study areas, that there is a level of conflict between vulnerable road users and other highway users. The TA therefore explains that there are opportunities to (a) enhance pedestrian crossing facilities on junction arms; (b) slow traffic; and (c) provide enhanced access for sustainable travel modes. These proposals would mitigate the proposed developments own impact (in traffic, transport and sustainable access terms) and also offer improvements for existing highway users.

Connectivity Proposals

9.37.12 The application proposes a vehicular access directly onto Leighton Buzzard Road through a new roundabout junction. A speed limit change would likely be required to accommodate the access and lower speed limit within the development. This element would be subject to a Traffic Regulation Order funded by the Applicant. A second gated 'emergency access' is proposed to the north of the roundabout junction, which could be utilised in case of an emergency. Internally, the street layout has been designed in accordance with the principles of Manual for Streets (2010). No

material concerns have been raised by HCC Highways Department regarding the safety of the proposed accesses.

9.37.13 A Toucan crossing and 'sheep pen' in a central island would be provided on the new roundabout improve the safety of connections between the site and Piccotts End, linking into existing pedestrian and cycle infrastructure. The proposals also seek to provide connectivity to the wider area via a number of off-site linkages, including connections to the existing pedestrian routes on Leighton Buzzard Road, westwards to the Gadebridge neighbourhood and a number of other PROWs. Following engagement with HCC Highways Department and PROW Officers, a number of additional sustainable transport measures have been agreed including a footpath and cycleway, which extends southwards and connects to an existing cycleway in the town.

9.37.14 Overall, the application is putting forward a number of proposals to provide a sustainable transport strategy for the site. To summarise, these include:

- Prioritisation of pedestrian access through upgraded links to the surrounding highway and footpath network (including off-site works to footpaths linking to Piccotts End, Gadebridge, Gadebridge Park and the town centre) to provide localised widening, improved surfacing, enhanced surveillance and repairs/improvements to signage and gates;
- Proposed layout based on existing public rights of way to enable a new crossing point on Leighton Buzzard Road, widened pedestrian/cycle links and potential for a Pegasus crossing (which gives special consideration for horse riders) depending on the speed limit change;
- The provision of a ½ hourly bus service between the site, employment areas, town centre, railway station and other local towns;
- Delivery of a 'transport hub' providing a heated, enclosed waiting area, drinks machine, WiFi, secure home delivery area and cycle hub parking;
- A Framework Travel Plan to encourage sustainable transport modes, which includes a 'householder voucher' that can be used towards a bus or rail pass, or bicycle; and
- Provision of a policy-compliant level of car and cycle parking.

9.37.15 Full details of the proposed enhancement and sustainable transport measures can be found in the TA and supplementary Technical Note (dated 25 October). The improvements can be found illustrated in Technical Note, Appendix A and C.

Highway Impacts

9.37.16 Detail has been provided in relation to the existing and proposed traffic conditions on the adjacent highway. The information has been based on HCC's County Wide Model of Transport (COMET) and the trip rates have been agreed with the Highways Department. The TA notes that the details are likely to be overestimated, as they do not account for the lower trip generating potential of the affordable housing, or the impact on car use of the Framework Travel Plan. Other modelling software has been

used to predict the proposals impacts on various highway junctions, using '2036 reference cases'.

9.37.17 The modelling work demonstrates that a new roundabout access onto Leighton Buzzard Road would not have a material impact upon the operation on the highway. The junction modelling also identifies that most of the surrounding junctions are forecast to operate within accepted theoretical capacity thresholds. However, it is indicated that the Leighton Buzzard Road/Galley Hill junction would be most affected with increased queuing times during AM and PM peak periods. For example, the average maximum delay increases from 122 seconds to 191 seconds for the southern junction arm.

9.37.18 The Highways Department have reviewed the highways proposals and have not raised concerns in relation to highway safety or traffic impacts. The modelling demonstrates that the impact of the development would be modest and would not lead to a severe impact on the highway network, both in terms of collision rates and congestion. The proposals appear to address some of the issues identified with existing network, particularly in terms of vulnerable users, by providing safer crossing points for pedestrians and cyclists. These would not only provide for future residents, should the application be approved, but for other existing residents in the area.

Bus Infrastructure

9.37.19 The TA identifies sustainable access opportunities for the site, as there are currently limited bus services through Piccotts End. It is therefore proposed to provide an enhanced bus service, which would increase the range of journeys possible for people living on the 105 route, but also provide journey options for future occupiers, should the application be approved.

9.37.20 The service currently runs for 13 hours a day Monday-Friday, 11 hours on Saturdays and 9 hours a day on Sundays as part of the 1A service. The service runs broadly on an hourly service. The Applicant has discussed improvement proposals with a bus operator and HCC Highways Department and agreed the following through a Bus Service Agreement:

- A Monday-Saturday service;
- Service hours: Monday-Friday 0600-2000 and Saturday 0700-2000;
- A 30-minute service headway;
- A service route between the development and the town centre with potential additional links (e.g. the railway station); and
- Provision of a bus turning area on-site and covered waiting area with real-time information and seating.

9.37.21 Details of the proposed bus routing can be found in Appendix I of the TA.

9.37.22 HCC Highways Department are *'content that the feasibility of providing such as bus service has been established, with the pump priming costs accepted by the Applicant.'*

Assessment

9.37.23 An assessment of accident records on the surrounding highway network does not indicate any deep-rooted highway safety issues in the immediate area. The proposed accesses (as detailed on drawing number SK21611-05 (Revision B) would not have an unacceptable impact on highway safety, nor would the proposals provide a significant increase in traffic and congestion. The Highways Department have confirmed that *'the proposals as illustrated on the submitted drawings are deliverable and are acceptable in highway engineering terms...the site access is satisfactory in terms of highway capacity.'* They have also clarified that they seek to reduce the speed limit on the adjacent road to 50mph, subject to compliance with HCC's Speed Management Strategy. The proposed site access and other off-site highways works would be delivered via planning condition and a Section 278 Agreement.

9.37.24 The increased traffic caused by the development and other development within the Borough is likely to increase congestion on these local roads and junctions, however, it is not considered that the impacts would have an unacceptable impact on highway safety, nor would the residual cumulative impact on the road network be 'severe' as per the test in the NPPF23.

9.37.25 The application site is considered to be a sustainable location, within close proximity to a range of services. The proposals encourages sustainable travel, for example, via improved crossing points, footways/cycleways and an enhanced bus service. The proposals would therefore improve the level of connectivity and permeability between the site, the adjacent neighbourhoods/areas and the town centre. The Highways Department have identified other schemes within the vicinity that would tie into the proposals and further promote sustainable modes of travel to and from the site.

9.37.26 To summarise, the proposed accesses are considered acceptable and in compliance with planning policy. The proposed mitigation works is also sufficient to comply with policies relating to sustainable transport and HCC's LTP4. The proposals are therefore deemed acceptable on highways grounds, subject to conditions and obligations listed in the Highways Departments consultation response.

Parking Provision

9.37.27 The application site is located within Parking Accessibility Zone 3, as per DBC's Parking Standards (2020) SPD. Table 5.1 of the SPD highlights the requirements for residential (C3) and residential care home (C2) development, including disabled, electric vehicle, visitor, motorbike and cycle parking. The document also provides guidance on specifics such as the size requirements for parking spaces and garages.

9.37.28 This planning application is at outline stage and therefore the parking layout and details are not yet finalised. However, the Applicant has committed to providing a

policy-compliant level of parking, in-line with DBC standards. The site is clearly large enough to provide a satisfactory amount of parking and therefore, the specific details (e.g. disabled parking, electric vehicle charging points, etc.) would be captured through later planning stages (reserved matters) and planning conditions should the application be approved. Therefore, no concerns are raised in relation to the proposed parking provision.

9.38 Other Material Planning Considerations

Article 4 Direction

- 9.38.1 It is noted that a small section of the northern part of the site has an 'Article 4' direction placed on it, which restricts certain permitted development rights. In this instance, the Article 4 restricts the following:

The carrying out on agricultural land having an area of more than one acre and comprised in an agricultural unit of more than one acre and comprised in an agricultural unit of building or engineering operations requisite for the use of that land for the purposes of agriculture, other than the placing on land of structures not designed for those purposes or the provision and alteration of dwellings.

- 9.38.2 The above clarifies that the Article 4 would not hinder the proposed development.

Human Rights and Equality

- 9.38.3 In line with Public Sector Equality Duty, the LPA has regard to the need to eliminate discrimination and advance equality of opportunity, as per section 149 of the Equality Act 2010. In determining this application, regard has been given to this Duty and the relevant protected characteristics.

- 9.38.4 Considering the type of development proposed and assessment above, it is not considered that discrimination or inequity would arise from the proposal.

Utilities

- 9.38.5 Thames Water have responded to the application regarding surface and foul water. As the proposals do not seek to discharge surface water to the public network, no concerns have been raised subject to an acceptable drainage strategy agreed by the LLFA. Regarding foul water, they have highlighted 'no objection' in relation to the sewerage network infrastructure capacity, noting that the scale of the proposed development would not materially affect the sewer network. There is sufficient fall from the development proposals to permit gravity discharge from the site and therefore there is no requirement to include a foul water pumping station.

- 9.38.6 No comments or objections have been received from the gas and electricity providers. If the application is approved, dialogue would be required with these

provides to establish the required infrastructure connections and capacity requirements for the development. Any necessary upgrades, if needed, would be established at latter stages (i.e. reserved matters).

Pumping Station and Chalk Aquifer

9.38.7 The application site is located within the Environment Agency's (EA) defined 'Source Protection Zone 1' (SPZ1), which corresponds to Affinity Water's pumping station. It is a public water supply, comprising a number of chalk abstraction boreholes.

9.38.8 Initially, Affinity Water objected to the proposals, noting the close proximity of the development to the abstraction area. In particular, they were concerned about '*any methods of direct infiltration for the removal of surface water, which would open up potential pathways for pollution*' into the aquifer from which they abstract from. Concerns were also raised about the generation of turbidity and mobilisation of any (known or unknown) ground pollution through foundation construction (i.e. piling).

9.38.9 Affinity Water requested further detail and the Applicant provided some additional documents, namely a Hydrogeological Risk Assessment by Firth Consultants (September 2023) and a letter from Hilson Moran dated 6 October 2023. It was agreed that intrusive ground investigation would be required to inform the detailed design of the proposed development (i.e. at reserved matters stages).

9.38.10 Although the documents did not indicate any significant soil contamination sources, a number of recommendations to mitigate such as:

- SuDS treatment train (to reduce the concentrations of contaminants);
- Foundation Works Risk Assessment (including a suitable piling method and mitigation measures, if needed); and
- Construction and Environmental Management Plan (to minimise risks from construction activity).

9.38.11 Affinity Water provided further comments highlighting that subject to the recommendations above and planning conditions capturing these elements, they would have no objections. They also requested a number of conditions, including a 'surface water drainage scheme' and others that align with the requirements of the EA (see conditions 1-5 in the next section).

9.38.12 The inclusion of the above reveals that the proposed development would not present an unacceptable risk to the pumping station or underlying chalk aquifer. Both Affinity Water and the EA raised no objections subject to suitable conditions, highlighting that the proposed surface water drainage approach is satisfactory in groundwater protection terms.

Impact on Chalk Stream

9.38.13 The EA originally had concerns regarding potential contamination risk into controlled waters because the site is within SPZ1. In particular, the River Gade as a chalk stream priority habitat. Two main points were raised, relating to: (a) a sufficient buffer zone between the development proposals and the river; and (b) outfall from the site, which could potentially lead to the deterioration of water quality.

9.38.14 The Applicant provided a number of additional documents, listed in the final response from the EA. The documents provided clarity on the buffer zone (exceeding the required eight metres) and a reduction in the amount of outfall from the attenuation basins. As such, the EA stated, '...we are now in the position to remove our objection...' subject to the imposition of a number of conditions relating to:

1. Securing the implementation of the flood risk assessment;
2. Restrictions on penetrative piling methods (unless otherwise agreed);
3. Unsuspected contamination and remediation (if necessary);
4. Long-term monitoring of contamination; and
5. A landscape and ecological management plan.

9.38.15 The EA also provided informatives relating to things such as a 'flood risk activity permit'. Subject to the imposition of the above conditions and informatives, it appears that any significant negative impacts on the chalk stream would be avoided.

Waste Management

9.38.16 A development of this nature would require consideration of the need to minimise waste generated during demolition, construction and subsequent operation phase of the proposed development. As such, the re-use of unavoidable waste where possible and the use of recycled materials should be encouraged. Taking this into account, a 'Site Waste Management Plan' would be required via condition should the application be approved.

9.38.17 Regarding individual bin storage for the residential properties and care facility, and appropriate access for refuse collection, this would be established at reserved matters stages or via subsequent planning conditions. Overall and subject to the aforementioned condition, no concerns are raised regarding waste management.

Public Consultation Responses

9.38.18 The public consultation has elicited around 180 comments, the majority of which are objecting to the proposed development. There are some key themes arising from the comments, many of which have been discussed in detail throughout this report. The main themes are as follows:

- Loss of countryside and Green Belt land
- Lack of existing social infrastructure (e.g. healthcare, public transport, education, etc.)
- Overdevelopment of Hemel Hempstead

- Traffic, congestion, parking and highway safety
- Environmental damage, pollution and impacts on wildlife and ecology
- Impacts on the historic environment and heritage assets

9.38.19 There were also comments on the following topics:

- Flood risk and water supply
- Loss of agricultural land
- Water supply and sewerage
- Impacts on landscape character and the setting of the Chilterns AONB
- Sustainability

9.38.20 Aside from the themes/comments above, the following comments are noted and responded to below:

- Lack of self-build housing

9.38.21 A comment highlighted that 5% self-build was insufficient for the development. Whilst it is noted that the resident wishes for an increased amount of self-build, emerging Policy DM8 (currently un-adopted) suggests that developments of 40+ new houses should provide 5% of the plots as self and custom build properties. This figure has emerged from the evidence-base and local need. Therefore, 20 plots (i.e. 5%) is considered acceptable for the proposals.

- More emphasis on developing brownfield land

9.38.22 A number of the comments identified that the council should make better efforts to utilise brownfield land, rather than developing Greenfield sites. The recent Regulation 18 consultation on the emerging Plan does just this, by seeking to optimise existing previously developed sites within urban areas. However, it is noted that a number of Green Belt sites will be required to deliver the required amount of housing. It is also acknowledged that Greenfield sites provide greater opportunities to provide larger, family-sized units.

- Impact on walking routes

9.38.23 Some residents have explained that the development proposals would impact walking routes and rights of way. Although it is acknowledged that the character of the area would be significantly altered in visual terms, the proposals have evolved through the determination period to provide a number of enhanced walking routes across and around the site. As such, it is considered that the permeability and walkability of the site would be improved as a result of the proposals.

S106 and Planning Obligations

9.38.24 The requirement for new development to provide contributions towards the provision of on-site, local and strategic infrastructure required to support the development is

set by Core Strategy Policy CS35 – Infrastructure and Developer Contributions. The policy confirms that contributions will be required to support development unless existing capacity in relevant infrastructure exists and financial contributions will be used in accordance with needs set out in the Council’s Infrastructure Delivery Plan.

9.38.25 A summary of contributions for the S106 Agreement is set out below. These have been agreed by the Applicant. Relevant clauses and triggers would be subject to further negotiations to refine and agree them if the application is approved.

Table 4 – Summary of Contributions and Obligations

Matter	Contribution	Comments and Triggers
Affordable and social housing	40% affordable and social housing split as following: a) 25% first homes b) 56% affordable rented (75%) and social rented (25%) c) 19% shared ownership.	Developer of providing level of affordable housing above 35% policy requirement. Trigger set at percentage of occupied residential units (25%, 50% and 70%).
Education	Contribution towards facilitating primary education capacity. £2,922,262	Monies to fund the enlargement of Gade Valley Primary School or a new primary school within local plan allocation HH01/02. Payments would be paid at percentage of occupation of units (e.g. 5%, 30%, 50%, etc.). % to be determined as part of S106 negotiations).
Special educational needs and disabilities	Contribution towards additional severe learning difficulty special school places. £398,185	Contribution towards the relocation and expansion of SEND facility (Breakspear School). Payments paid at percentage of occupation of units (% to be determined).
Off-site sports facilities	Contributions to: Outdoor sports = £546,299 Sports halls = £193,372	Sport England have identified a number of projects in the Borough that would be funded by the off-

	Swimming pools = £214,308 Total £953,979	site sports contributions. Contribution levels are set by the Sport England calculator. Trigger set at percentage of occupied residential units (% to be determined).
Healthcare	Contribution towards the estimated population increase of 1,041 new patients in the primary care network. £560,365.09	Monies to be used to fund the refurbishment and extension of Parkwood Drive Surgery. Calculation based on guidance in NHS England "Premises Principles of Best Practice Part 1 Procurement & Development". Trigger set at occupancy of 1 st and 200 th dwelling requested by HWE ICB (to be confirmed via S106).
Care home	Provision of a 70-bed residential care home on-site.	Care Home Scheme to be provided prior to commencement of development. Reserved matters area not to commence until Care Home Scheme has been approved by the local planning authority.
Open space and play areas	Provision of land and maintenance contributions. Land, cost of laying out play areas, equipment and maintenance.	Management Company to be established and retained in perpetuity unless otherwise agreed by the council. Trigger set at prior to occupation (to be confirmed)
Bus service improvements	Contribution towards the provision of new bus routes	Based on a five year service provision phased on a

	<p>to serve the development.</p> <p>£600,000</p>	<p>declining subsidy profile as follows:</p> <p>Year 1 = £150,000 Year 2 = £135,000 Year 3 = £120,000 Year 4 = £105,000 Year 5 = £90,000</p>
Sustainable transport hub	<p>Provision of an on-site sustainable transport interchange to include an enclosed heated waiting area, signage and information displays for bus timetables and various other amenities such as a cycle hire facility.</p>	<p>Transport Hub Scheme to be provided to the local planning authority for approval prior to reserved matters application including transport hub.</p> <p>Management to be offered to bus operator, HCC or private management company.</p>
Off-site footpaths and cycle improvements	<p>Enhancements to off-site footpath and cycle improvements as set out in the Highways Technical Note, Section 2 (Matter A) and Appendices A and C.</p> <p>Costings not yet finalised. Details to be captured via condition and S278 agreement rather than S106. As per the comments from the Highways Department, the costs may exceed the 'Stand 2' contribution of £2,662,140 for off-site works. Therefore, it may not be required.</p>	<p>Enhancements include: upgrading Public Footpath 012 and 013 and walking routes through Warners End Wood; and securing a financial contribution towards a Pegasus crossing on Leighton Buzzard Road (depending on outcome of speed limit reduction).</p> <p>Trigger set at prior to occupation (to be confirmed)</p>
Travel plans	<p>Contribution towards a travel plan, monitoring and evaluation.</p> <p>£12,000</p>	<p>Two travel plans are required; one for the residential element and one for the commercial (care home), equating to £6k each.</p>

		Triggers set at percentage of occupied residential units (% to be determined).
Sustainable travel contribution	<p>A contribution of a £100 'Sustainable Travel Voucher' for each proposed household.</p> <p>£39,000</p>	<p>Vouchers to be used flexibly e.g. towards a bicycle or equipment, or for use on local buses to encourage sustainable travel.</p> <p>Trigger set at prior to occupation (to be confirmed).</p>
SANG provision	No SANG solution provided.	
SAMM package	<p>£913.88 contribution per unit to provide SAMM for the CBSAC.</p> <p>This would amount to £356,413.20 if all 390 dwellinghouses are constructed and an additional £63,971.60 if the care home units are included.</p>	<p>Monies used to mitigate the recreational impacts caused by future occupiers on the CBSAC.</p> <p>The Mitigation Strategy, Table 2 (see p20), identifies that residential institutions (C2/C2A) may be liable for mitigation depending '<i>on the type of scheme proposed, the level of mobility of the residents and potential for parking to be used by visitors to the SAC.</i>' This would need to be established once details of the care provider are established.</p>
Biodiversity Net Gain	A minimum increase of 10% BNG.	<p>The Applicant has committed to a BNG of 10.48% in habitat units and 20.36% in hedgerow units.</p> <p>Ecological management plan to be captured via planning conditions and S106.</p>
CIL	CIL estimate (see full details below):	Estimate of relief if applicable:

	£4,358,692	Affordable Housing Relief - £1,599,295 Self-Build Relief - £241,358
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Community Infrastructure Levy

9.38.26 The proposed development would be subject to Community Infrastructure Levy (CIL) charges in accordance with Policy CS33 and the 'Charging Schedule'. The application site lies partially in CIL Zone 2 but the main developable area is within Zone 3. The current CIL requirements, as set out in the Annual CIL Rate Summary 2023 for residential development in Zone 3 is £139.76. This rate as live as of January 2023.

9.38.27 CIL charge calculations are not usually determined until reserved matters stages. However, discussions with the CIL Team have revealed some indicative figures based on the figures stated on the submitted CIL forms. As the measurements provided do not include garage sizes, an estimate using the average size has been used. The following is a rough estimation of the CIL liability:

Total CIL liability - £4,358,692

Affordable Housing Relief - £1,599,295

Self-Build Relief - £241,358

*Relief is subject to the appropriate claim(s) and confirmation prior to
**commencement of the development.

**Development is to be treated as commencing on the earliest date on which any material operation begins to be carried out on the relevant land. In this regulation "material operation" has the same meaning as in section 56(4) of TCPA 1990 (time when development begun).

9.38.28 It is important that liable parties are aware of their obligations under CIL. Further information regarding CIL including FAQs, CIL forms and information regarding review and appeal procedures, can be found on our website at www.dacorum.gov.uk/cil.

Information offered is for assistance only. For full information and definitions, please refer to the government guidance and regulations or seek independent advice.

9.39 Any Other Harm

9.39.1 As highlighted in the Green Belt Harm section, case law has recognised that following confirmation that proposals are 'inappropriate development', then whether 'any other harm' to the Green Belt must be established.

9.39.2 Reference to 'any other harm' should also be taken to mean non Green Belt harm (e.g. highways, ecology, etc.). The 'other harm' associated with the proposal has been discussed in the relevant parts of this report. The following paragraphs summarise this.

- Chilterns Beechwoods SAC

9.39.3 The proposals would result harm to the CBSAC. Although mitigation measures are proposed by way of SAMM, no substantive details have been provided regarding SANG and therefore the impacts of increased recreational pressure cannot be mitigated. Substantial negative weight is attributed to the harm on the CBSAC.

- Heritage

9.39.4 The site is clearly visible from Piccotts End Conservation Area and a number of listed buildings. The harm arising from the impact on the setting of heritage assets is considered as less than substantial at a moderate scale to the conservation area and less than substantial and at a low level to the listed buildings. Parties are in agreement on the level of harm, however, it is considered that the proposed mitigation measures are considered insufficient and the public benefits would not outweigh the harm. The heritage harm is therefore attributed substantial negative weight in the planning balance.

- Landscape and Visual Impacts

9.39.5 The proposals would have a significant impact on the landscape character of the area. Impacts are also identified in relation to the setting of the Chilterns AONB. Whilst it is noted that the residual effects would generally reduce once mitigation planting has established, nonetheless adverse visual effects would remain for users of public footpaths and highways, in addition to existing properties. This results in further harm that is afforded substantial negative weight.

- Agricultural Land

9.39.6 It is considered that the development would result in the loss of BMV agricultural land that would be afforded negative weight as the permanent loss of agricultural land cannot be mitigated. This results in further harm which would be afforded limited negative weight.

9.40 Very Special Circumstances (VSCs)

9.40.1 As established above, the proposed development constitutes inappropriate development which is, by definition, harmful and should not be approved except in very special circumstances.

9.40.2 Paragraph 148 of the NPPF23 states that: *'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.'*

9.40.3 Case law has clarified that it is not necessary for each individual circumstance to be sufficient to justify the development in its entirety; rather, in many cases a combination of circumstances will comprise the very special circumstances required to justify the development.

9.40.4 There are a number positive benefits arising from the proposed development, each of which shall be considered in turn.

Housing

9.40.5 The provision of housing, given the need, is a benefit where the council cannot demonstrate a 5-year supply. It is accepted that there is a lack of a 5-year supply in Dacorum and the confirmed position is currently 2.19 years, which is substantially below the Government's requirement. The Applicant has indicated that a number of houses would be constructed within a five-year period and whilst no formal phasing plan has been submitted, it is likely that some housing benefits would accrue as a result of the proposals. The LPA could also potentially speed up delivery by imposing shorter reserved matters timeframe and implementation conditions. Therefore, it is considered that very substantial weight should be attributed to this factor.

Affordable Housing

9.40.6 The provision of affordable housing is a significant benefit of the scheme. The proposals include 40% affordable homes, which sits above the policy requirement of 35%. Furthermore, the proposed mix/tenure is in-line with Dacorum's current need. Very substantial weight can be attributed to the delivery of affordable housing as a benefit of the scheme.

Care Home / Older Persons Housing

9.40.7 It is recognised that there is a need for care home facilities and older persons housing, which is recognised to grow in the future. The proposals would provide a 70-bed care home, which would contribute to the requirements highlighted in the emerging Local Plan. Bearing this in mind, it is felt that substantial weight should be attributed to this benefit.

Self-Build & Custom Housing

9.40.8 Large schemes such as this have the ability to provide self-build and custom housing plots. The proposals include 5% (20 plots). There are currently around 200 people on the self-build register, 58 of which are in Hemel Hempstead. Therefore, it is considered that substantial weight can be attributed to the delivery of self-build and custom housing.

Biodiversity Net Gain

9.40.9 The proposals include a BNG uplift on the site, which marginally exceeds the emerging Environment Act requirements. However, as this not currently in policy, it is felt that great weight should be attributed to this benefit.

Bus Service Improvements

9.40.10 The proposals would enhance the existing bus services in the locality in terms of routing and frequency. This would serve a wider benefit to residents in the area. As such, it is considered that moderate weight can be attributed to this benefit.

Off-Site Highway, Footpath and Cycle Improvements

9.40.11 Considering the scale of the proposals it is considered that the off-site footpath and cycle improvements are considered necessary to provide a well-connected development and mitigate impacts that would likely accrue from the development (e.g. footpath degradation). Nevertheless, these improvements would result in wider benefits and therefore moderate weight is attributed.

Public Open Space, Recreation Space and Children's Play Spaces

9.40.12 Some of the play spaces and public open spaces would be within walking distance for residents within Piccotts End and the Gadebridge neighbourhood. Although a limited number of properties would directly benefit from the new facilities, there would be some overall wider benefit arising from this element of the proposal and therefore moderate weight is attributed to this benefit.

10. CONCLUSION

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications are determined in accordance with the development plan unless other material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

10.2 The council is currently unable to demonstrate the required five-year supply of deliverable housing sites. As set out in this report, DBC can demonstrate 2.19 years supply. In the absence of an up-to-date 5-year supply and in accordance with paragraph 11 of the NPPF23, there is a presumption in favour of sustainable development.

- 10.3 As the site lies within the Green Belt, the NPPF23, paragraph 11(d) applies. This requires planning permission to be granted unless the application of policies in the NPPF23 provides a clear reason for refusing the development proposed. It is necessary to apply the development control tests relating to the Green Belt in particular to ascertain whether these provide a clear reason for refusal.
- 10.4 There are relevant development plan policies that apply to this application and the overall suite of policies are considered up-to-date. Therefore, the tilted balance, as set out in paragraph 11(d), is not engaged and the s38(6) balance is followed.
- 10.5 The NPPF23 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.6 The proposals do not fall within the exceptions specified in paragraph 149 (a-g) and therefore considered inappropriate development.
- 10.7 The balancing exercise above has set out all of the harms associated with the proposal, all of the benefits and all of the other material planning considerations. The VSC case above provides a number of benefits in an attempt to overcome the very substantial level of harm to the Green Belt.
- 10.8 Other harm has also been identified – particularly in relation to the CBSAC, heritage, landscape and visual impacts and agricultural land. Whilst some could be mitigated through design and other measures (e.g. conditions), significant concerns remain in relation to the impact on the CBSAC and heritage assets.
- 10.9 Considering the assessment above, it is concluded that Green Belt harm and other harms are not clearly outweighed by all of the benefits and therefore very special circumstances do not exist in this case.
- 10.10 The application of policies in the NPPF23 provide a clear reason for refusing the development proposal under paragraph 11(d)(i). It is concluded that the proposals are in conflict with the development plan policies in so far as they relate to the Green Belt, Chilterns Beechwoods SAC and Heritage.
- 10.11 Taking all of the above into account, it is recommended that permission be refused for the reasons set out below.

11. RECOMMENDATION

- 11.1 The proposal is recommended for refusal for the reasons listed below.

Reason(s) for Refusal:

- 1. The proposed development would constitute inappropriate development and would result in spatial and visual harm to the openness of the Green Belt. In addition, the proposals would lead to a conflict with one of the five purposes of including land in the Green Belt i.e. to assist in safeguarding the countryside from encroachment. The benefits of the scheme taken together do not clearly outweigh the harm and other harm identified. Very special circumstances have not been demonstrated to justify the proposed inappropriate development in the Green Belt. The proposals are therefore contrary to the Policy CS5 of the Dacorum Borough Core Strategy (2013) and paragraphs 137, 138, 147, 148, 149 and 150 of the National Planning Policy Framework (2023).**
- 2. The application does not provide Suitable Alternative Natural Greenspace (SANG). Consequently, there is a lack of certainty that the proposed mitigation would be secured in perpetuity to mitigate the recreational impacts on the Chilterns Beechwoods Special Area of Conservation (CBSAC). Therefore, the council cannot rule out that the proposal alone or in combination with other plan and projects would not result in likely significant effects to the CBSAC that would adversely affect its integrity. As such, the proposal fails to comply with saved Policies 102 and 103 of the Dacorum Borough Local Plan (2004), Policies CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and paragraphs 174, 176 and 180 of the National Planning Policy Framework (2023).**
- 3. There are a number of heritage assets within close proximity to the site, namely Gadebridge Roman Villa SAM, numerous listed buildings and the Piccotts End Conservation Area. Many of these assets are linked to the agricultural landscape, which includes the application site. The proposed development would be situated on the western valley slope and the built development would be prominent within the landscape setting, eroding the rural character. Consequently, the proposals would cause harm to the setting and significance of the designated heritage assets. The identified harm is less than substantial at a moderate scale to the Conservation Area and less than substantial and at a low level to the listed buildings. There would also be harm to the setting of the SAM, as it existed in a rural farm setting.**

When weighing up the public benefits of the proposed development, they are not considered to outweigh the harm to the heritage assets, which are given considerable importance and weight. The proposals therefore conflict with Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act (1990), saved Policies 119 and 120 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraphs 189-208 of the National Planning Policy Framework (2023).

- 4. A suitable financial contribution has not been secured in relation to Strategic Access Management and Monitoring (SAMM) to mitigate recreational pressure on the Chilterns Beechwoods Special Area of Conservation (CBSAC). Despite the sum being agreed by the Applicant, it has not been secured by way of a signed S106 agreement. It cannot therefore be concluded that the proposals would not**

result in an unacceptable impact on the CBSAC due to increased recreational pressure, contrary to the requirements of saved Policies 102 and 103 of the Dacorum Borough Local Plan (2004), Policies CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and paragraphs 174, 176 and 180 of the National Planning Policy Framework (2023).

5. The proposed development fails to secure the adequate provision for necessary social infrastructure including education, health and sports facilities either through on-site provision or financial contributions in lieu. The mechanisms to deliver and maintain the social infrastructure in perpetuity have not been finalised and agreed by way of a signed S106 agreement. The proposal would therefore be contrary to Policies CS23 and CS35 of the Dacorum Borough Core Strategy (2013) and Paragraphs 92 and 93 of the National Planning Policy Framework (2023).
6. The proposals provide 40% affordable housing, which is above the Core Strategy's requirement of 35% (Policy CS19). In the absence of a completed S106 agreement and a mechanism to secure the provision of this affordable housing, the proposed development would be contrary to Policy CS19 of the Dacorum Borough Core Strategy (2013) and Section 5 of the National Planning Policy Framework (2023).
7. The proposed development fails to secure adequate provision for alternative non-car methods due to the absence of obligations in a completed S106 agreement regarding the identified travel plan measures and bus service improvements. The development would therefore not provide a genuine choice of transport modes and a well-connected and accessible transport system as required by Paragraph 105 of the National Planning Policy Framework (2023) and Policy CS8 of the Dacorum Borough Core Strategy (2013).
8. Appropriate planning obligations have not been secured in relation to off-site highway, footpath and cycle improvements via a completed legal agreement. Therefore, the proposal would fail to protect and enhance public rights of way, mitigate significant impacts from the development on the transport network or improve public access to the countryside, conflicting with Paragraphs 100, 104, 106 (d), 110 and 120 of the National Planning Policy Framework (2023).
9. The submitted Flood Risk Assessment does not provide a suitable basis for an assessment to be made on the flood risk arising from the proposed development. Further information is required in order to establish if the site would not increase flood risk to the site and elsewhere and whether appropriate sustainable drainage techniques would be used. It is noted that further information was submitted by the Applicant, however, with the lack of a response from the Lead Local Flood Authority, it is unclear whether flood risk could be been adequately mitigated.

Informatives:

1. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework 2023 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
2. Reasons 4-8 above are included in the absence of a suitable and completed S106 agreement.