

ITEM NUMBER: 5d

23/02655/FUL	Construction of 9 Dwellings	
Site Address:	Land off Tring Road, Wilstone	
Applicant/Agent:	Rectory Homes Ltd	
Case Officer:	Robert Freeman	
Parish/Ward:	Tring Rural Parish	Tring West & Rural
Referral to Committee:	The application has been referred to the Development Management Committee given their previous refusal of planning applications for development on this site.	

1. RECOMMENDATION

- 1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended)

2. SUMMARY

- 2.1 The proposed development is considered to deliver significant social and economic benefits in the form of housing and affordable housing and would support the sustainable development of the village of Wilstone in accordance with the National Planning Policy Framework (NPPF). These benefits are considered to weigh in favour of the grant of planning permission in this case.
- 2.2 The development is considered to be a high quality and accessible residential scheme and would support the planning objectives under Policies CS8, CS11, CS12, CS17, CS19 and CS20 and CS29 of the Core Strategy and Saved Appendices 3 and 5 of the Local Plan 1991-2011.

3. SITE DESCRIPTION

- 3.1 The application site is located beyond the northern edge of the village of Wilstone and in the designated Rural Area. The application site is approximately 0.75 ha of land and forms part of a wider site extending to 1.57 ha of largely level agricultural fields between the residential units at Grange Road, Wilstone and the development at Wilstone Wharf.
- 3.2 The site is accessible via a newly formed priority T-junction approved as part of the development for 28 dwellings on the site. The site has been cleared and contains some partially completed dwellings.
- 3.3 Two storey residential units at Grange Road back onto the southern boundary of the application site and there are a number of single storey dwellings opposite the western site boundary marking the northern extent of the village. To the east of the application site are further agricultural fields in arable use with allotments beyond. The site is physically constrained to the north by the Aylesbury Arm of the Grand Union Canal, although a number of previously developed sites to the north of the canal have been redeveloped for residential purposes.

4. BACKGROUND

- 4.1 Members of the Development Management Committee considered planning application 20/01754/MFA (Construction of 28 residential dwellings (including 50% affordable housing) with access off Tring Road, including parking and garaging, creation of public open space, landscaping, and all enabling and ancillary works.) at the meeting of the 17th December 2020. The committee determined that the application should be refused contrary to the officer recommendation for the following reason:

“The proposed development, by reason of its scale and siting, would result in a disproportionate extension to the village and result in significant harm to the character and appearance of the countryside contrary to Policies CS1, CS2, CS7, CS10 and CS20 of the Core Strategy. Although the Council is not currently able to demonstrate a five year housing land supply, the Council is not satisfied that the benefits of allowing the development would clearly outweigh the harm to appearance of the countryside under paragraph 11 of the National Planning Policy Framework (NPPF) given that there would be a clear conflict with the requirements under paragraphs 77 and 78 of the NPPF”

- 4.2 Members of the Development Management Committee subsequently determined to refuse planning application 4/00024/19/MFA (Construction of 15 dwellings, access, parking and associated landscaping) at the meeting of the 8th July 2021. The following reason for refusal was given:

“The principle of the proposed entry level housing, by reason of its scale and siting would result in significant harm to the character and appearance of the countryside contrary to Policies CS1, CS2, CS7, CS10 and CS20 of the Core Strategy. Although the Council is not able to demonstrate a five year housing land supply, the Council are not satisfied that the benefits of allowing development would clearly outweigh the harm to the appearance of the countryside under paragraph 11 of the National Planning Policy Framework (NPPF) given that there would be a clear conflict with the requirements of paragraphs 77 and 78 of the NPPF and given a lack of associated infrastructure within the village of Wilstone”

- 4.3 Planning application 20/01754/MFA was subsequently approved by the Planning Inspectorate under reference APP/A1910/W/21/3268082 (21/00003/REFU) on the 25th August 2021. The Inspector consider in this case that the harm to the surrounding countryside would be limited and would be clearly outweighed by the delivery of affordable housing (50%). The Inspector, as had the case officer beforehand, placed significant weight on the delivery of homes that met an identified need under the Tring Rural Parish Housing Needs Assessment in allowing the appeal.

- 4.4 The applicant's commenced works on this development in breach of outstanding planning conditions thereto and prior to the publication of the Footprint Ecology report on the Chilterns Beechwoods Special Area of Conservation (SAC) and subsequent moratorium placed on the Council by Natural England.

- 4.5 Despite the subsequent approval of the Chilterns Beechwoods Mitigation Strategy, the applicants are not able to discharge outstanding pre-commencement conditions attached to planning permission 20/01754/MFA given the scale of development and its relationship of the site to Suitable Alternative Natural Greenspaces (SANG) This site would be located outside of the catchment area of the SANG solutions available at present and as such the adverse impact on the SAC arising as a result of development cannot, at present, be mitigated.

- 4.6 A further planning application (22/01040/ROC) for minor material amendment to this planning permission was recommended for approval by the Development Management

Committee on the 11th August 2022. This was approved subject to mitigation being provided to address the impact of the proposals upon the SAC. As set out above the applicants are also not able to mitigate the impact of this development on the SAC given the siting of SANG solutions.

4.7 The applicants ceased work on the application site and have been seeking a way forward in discussions with the Council since the publication of the Chilterns Beechwoods Mitigation Strategy.

4.8 The Council also has applications for the development of adjacent land by the applicants being held in abeyance.

5. PROPOSAL

5.1 The application seeks planning permission for the construction of nine residential units on the site and incorporates the retention of dwellings already constructed thereon.

5.2 The layout and design of these properties is consistent with the approved planning permission 20/01754/MFA but must be considered on its own planning merits.

5.3 The initial submission sought to include two (22%) of these properties as affordable housing units. The overall quantum of affordable housing has subsequently been increased to four units (44%) and includes a home for affordable rent (plot 4), a starter home (plot 5) and two shared ownership properties (plots 6 and 7)

5.4 Public open space would be provided between the residential development and the canal to the north. Footpath connections would be provided through the site connecting with the existing pedestrian footpaths into the village of Wilstone to the Grand Union Canal.

6. REPRESENTATIONS

Consultation responses

6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

6.2 These are reproduced in full at Appendix B.

7. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 – Selection of Development Sites
CS7 – Rural Area

CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS18 - Mix of Housing
CS19 - Affordable Housing
CS20 – Rural Sites for Affordable Homes
CS23 – Social Infrastructure
CS26 - Green Infrastructure
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS30 – Sustainability Offsetting
CS31 - Water Management
CS32 - Air, Soil and Water Quality
CS35 - Infrastructure and Developer Contributions

Hertfordshire County Council Waste Core Strategy

Policy 1: Strategy for the Provision for Waste Management Facilities.
Policy 2: Waste Prevention and Reduction: &
Policy 12: Sustainable Design, Construction and Demolition.

Saved Policies of the Dacorum Borough Local Plan

Policy 10 - Optimising the use of urban land
Policy 12 - Infrastructure Provision and Phasing
Policy 13 - Planning Conditions and Obligations
Policy 18 - Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 54 - Highway Design
Policy 58 - Private Parking Provision
Policy 99 - Preservation of Trees, Hedgerows and Woodland
Policy 118 - Important Archaeological Remains.
Appendix 3 - Layout and Design of Residential Areas

Supplementary Planning Guidance / Documents

Affordable Housing (Jan 2013)
Car Parking Standards (November 2020)
Energy Efficiency & Conservation (June 2006)
Water Conservation & Sustainable Drainage (June 2005)

Advice Notes and Appraisals

Affordable Housing Advice Note
Sustainable Development Advice Note (March 2011)

8. CONSIDERATIONS

Principle of Development

- 8.1 A number of applications for residential development on this site have already been granted planning permission but have failed to be lawfully implemented given the impact of development upon the SAC and the lack of a suitable mitigation strategy in relation to these matters. These applications were determined on the basis that the harm to the rural character and appearance of Wilstone was limited and in such circumstances was outweighed by the provision of new homes and affordable homes under paragraph 11 of the NPPF.
- 8.2 The assessment of this application requires a stepped approach. The first step is to assess whether the development is capable of being mitigated under the Chilterns Beechwoods Mitigation Strategy. Only once this matter has been adequately addressed can one consider whether the principles in paragraph 11 of the NPPF are enacted and/or whether the scheme is acceptable on its merits under the NPPF and other planning policies.

Habitat Regulations Assessment

- 8.3 The Council has a legal duty under Regulation 63(5) of the Habitat Regulations to ensure that it does not grant permission to a plan or project until it has ascertained that it will not adversely affect the integrity of a protected site(s). The Council is required to assess this in the context of the proposals and in combination with other plans and projects. In this case, the protected site comprises the Chiltern Beechwoods SAC; an area incorporating the Ashridge Estate and Tring Woodlands SSSI.
- 8.4 The Council is aware that the SAC is under intense recreational pressure from new developments within a catchment of 12.6km of the SAC. The Council therefore approved a mitigation strategy on the 15th November 2022 to address such matters and in support of its emerging Local Plan.
- 8.5 All new developments are required to provide contributions towards Strategic Access, Management and Monitoring (SAMM) of the SAC under the approved Mitigation Strategy. To help reduce the pressure on the SAC, there is a need for all development to make provision for either a new SANG or contribute towards the maintenance of a SANG project elsewhere in the Borough. Major developments are expected to be located close to a suitable SANG whilst a more flexible use of SANG can be provided to smaller schemes.
- 8.5 The proposal involves the construction of nine dwellings and although these units are identical in siting, layout and design to those approved for a larger development of 28 dwellings, I am satisfied that they comprise a stand-alone project for which planning permission is sought. As such and in accordance with the Chilterns Beechwoods Mitigation Strategy this minor development is able to contribute towards Council led SANG solutions thereby meeting its obligations under Regulation 63(5) and in accordance with Policies CS12, CS25, CS26 and CS35 of the Core Strategy. Financial contributions of £8,224.92 towards SAMM and £38,265.39 towards SANG are required in this case to mitigate the impact of development on the SAC.

Housing Land Supply

- 8.6 The Council is currently not able to demonstrate a five year supply of housing land as required under paragraph 11 of the NPPF and as such a presumption in favour of new sustainable development is enacted. The Council is obliged to grant planning permission unless the policies in the NPPF provide a clear reason for the refusal of the case, or the

adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

Principles

- 8.7 The Core Strategy identifies Wilstone as a village within the Rural Area where there would be support for the provision of small scale development for housing, employment and other purposes as set out in Policy CS7 of the Core Strategy. The site falls outside of the designated village envelope, but otherwise forms a natural extension of the village along its main vehicular route towards Long Marston.

Affordable Homes

- 8.8 The NPPF identifies that in rural areas, planning policies and decisions should be responsive to local circumstances and support opportunities to bring forward rural exception sites that provide affordable housing that reflects local need. It states that these may be supported by some market housing if this facilitates the delivery of homes.
- 8.9 The NPPF also indicates that local planning authorities should not normally seek the provision of affordable housing on schemes of less than ten dwellings unless the site is a designated rural area.¹ The site is not a designated rural area under the Housing Act 1985 and the application site would fall below this affordable housing threshold comprising nine residential units.
- 8.10 The amended proposals would provide for the delivery of four affordable housing units (44%). Although not being delivered as a Rural Exception Site per se the affordable housing elements of the development would provide both First Homes and a number of units (3) of the type and tenure identified as being required through the Tring Rural Parish Housing Needs Survey (June 2018)
- 8.11 The provision of affordable housing is considered to be acceptable in accordance with the NPPF and Policies CS19 and CS20 of the Core Strategy and would reflect the Council's general approach to the delivery of affordable homes.
- 8.12 The delivery of housing to address an identified local need should be afforded significant weight in the decision to recommend the grant of planning permission in this case.

Layout and Design

- 8.13 The proposed development of nine units will be provided mainly to the north of the site access road providing a perimeter block of 7 residential units. Two additional units would be provided to the south of the access with car parking provided to the rear of these properties. A footpath link would be provided to the southern boundary of the site adjacent to 90 Tring Road where a crossing would connect with existing footpaths on the western side of Tring Road. An area of public open space would be provided between the residential units and the canal at the northern end of the application site.
- 8.14 The layout of the site and design of individual units reflects those approved under previous planning permissions for the site however given the scale of development, the proposals would result in more modest loss of the open fields on the edge of Wilstone. There would be a gap of approximately 15-20m between the new dwellings and the boundary of 90 Tring Road and as a consequence plots 4 and 5 and the development itself would feel

¹ Rural Areas are defined under Section 157(1) of the Housing Act 1985.

more detached and isolated from the village. The turning head within the site would project beyond the development into the surrounding countryside whilst car parking within a courtyard to the rear of plots 4 and 5 would be more exposed given the lack of a perimeter block to the southern section to the site. The latter is a concern for the Hertfordshire Constabulary crime prevention officer as set out in the representations.

- 8.15 Despite such matters, the development is still considered to have a satisfactory layout and design and would not in my opinion, be particularly discordant in the context of the surrounding residential development, Wilstone village and the wider parish. I find no reason to disagree with previous planning Inspectors in relation to such matters; i.e. that harm to the area is limited. The village of Wilstone is generally defined by the provision of developments in a linear form and a number of units within the village directly back onto areas of open land or countryside. A number of more sporadic developments have occurred as one approaches the village from Wingrave Road to the north east of the site including those at Dixons Wharf, Wilstone Wharf and Loch View. The development would be seen in the context of Grange Road and these surrounding schemes. In this regard I can find no significant conflict with the aims and objectives of Policies CS10, CS11 and CS12 of the Core Strategy.
- 8.16 I do not share the concerns of the crime prevention officer with regards to the rear car parking area and note that this would be overlooked by windows within the front elevations to plots 6 and 7. Dual frontages and 'L' shaped buildings are used in sensitive locations to increase active frontages to the street and open space areas. There may need to be controls introduced to restrict or prevent unauthorised vehicular access beyond the turning head and it is recommended that further information is provided by condition.

Impact on Heritage Assets

- 8.17 In accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council is required to have special regard to the desirability of preserving a listed building and its setting during the consideration and determination of planning applications.
- 8.18 Policy CS27 of the Core Strategy also seeks to ensure that development proposals favour the conservation of heritage assets. The integrity, setting and distinctiveness of both designated and non-designated heritage assets would be protected, conserved and where appropriate enhanced in accordance with this policy.
- 8.19 The bridge over the Grand Union Canal is a grade II listed structure. The relationship between the development and the bridge has not been altered as a result of the current proposals and given the separation distance thereto, is not considered to be harmful to the heritage asset in this case. Accordingly there would be no objection to the proposals under Policy CS27 of the Core Strategy.

Impact on Residential Amenity

- 8.20 The dwellings proposed would be the same size and in the same location as previously permitted. It follows therefore that the proposed residential units are not considered harmful to the residential amenities of neighbouring properties given the juxtaposition of properties and the modest scale of development. The proposals would therefore be acceptable under the relevant sections of Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan.

Access, Parking and Movement

- 8.21 The proposals include a new priority T junction with a kerbed entrance leading to an internal access road and a series of private driveways. The proposed access design is of an acceptable width to enable two vehicles to pass one another and the general designs are in accordance with design criteria as laid out in Roads in Hertfordshire: Highway Design Guide.
- 8.22 The T junctions have been designed with appropriate visibility splays for the speed and juxtaposition of Tring Road and is considered to be a safe and convenient access onto Tring Road for the level of use by both future occupants and service providers including refuse and fire vehicles in accordance with Policies CS8 and CS12 of the Core Strategy. Within the site, the highway layout allows sufficient space for the access and circulation of larger vehicles with designated refuse stores provided within acceptable distances for refuse tenders. Each residential unit would be accessible by fire tenders in the event of an emergency. As such the internal layout of the estate is considered to be acceptable in accordance with Policies CS8 and CS12 of the Core Strategy
- 8.23 Vehicular parking will be provided through a combination of garages, on-plot driveway parking and off-road street parking or parking courts. The arrangement and allocation of parking spaces is appropriate having regard to the extant permission and the requirements within the Car Parking Standards SPD (2020)
- 8.24 The provision of active EV charging points is also in accordance with the Car Parking Standard SPD (2022) Active EV charging points will be provided to all houses.
- 8.25 The accessibility of both the main village and the canal towpath will be improved through the extension of the existing footpath network and with the provision of new footpath connections through an area of public open space in accordance with Policies CS8 and CS12 and utilising the provisions under Section 106 of the Town and Country Planning Act 1990 (As Amended). Cycle stores will also be provided within the curtilage of each dwelling and to encourage the use of alternative means of travel to the private car.
- 8.26 There is no objection from the highway authority to the proposals on either a highways capacity or safety perspective and as such there would be no objection to the proposals under Policies CS8 and CS12 of the Core Strategy and Saved Policies 51 and 54 and Appendix 5 of the Local Plan 1991-2011.

Biodiversity, Ecology and Landscaping

- 8.27 Under Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024, there is a legal requirement to ensure that qualifying new developments will provide a 10% increase in biodiversity. Such provisions do not apply to minor developments, retrospective developments or those submitted before the 12th February 2024. The current application is not subject to this requirement.
- 8.28 The application does however include an assessment of Biodiversity Net Gain which shows a substantial increase in the biodiversity value of the site. This is primarily a result of a poor baseline for the site and the proposed planting of species rich hedgerow and additional trees thereon. The approach should be confirmed by the submission of further information by condition.
- 8.29 The submitted Tree Survey and layout plans showed that a single tree (T5 – Crack Willow) will need to be removed due to failing limbs and the implications for the safety of canal users This is not required as a result of development (although it is understood that three

trees were removed for access) given its siting away from development proposals on the northern boundary of the site.

- 8.30 The current proposals do not alter the layout of the site to the detriment of landscaping features. The proposed development still seeks to retain all of the remaining hedgerows around the site following the removal of a narrow area of hedgerow to facilitate access to the site through a T junction. This loss is off-set by supplementary planting both to the existing hedgerow at Tring Road and through additional soft landscaping along the remaining boundaries to the site. The Preliminary Ecological Appraisal also concludes that the proposed development is unlikely to result in any significant impacts on protected species including, amphibians, invertebrates, plants and badgers.
- 8.31 The Tree Survey concludes that there would be no detrimental impact upon any trees of significance upon or surrounding the site and with careful planning and the provision of tree protection measures that these should not prevent the development of the site.
- 8.32 The improvement of existing landscape features through native planting together with the provision and sensitive management of field margins and public open space are considered to have potential to provide biodiversity gains in accordance with Policy CS26 of the Core Strategy. The attenuation pond could provide good habitat and biodiversity enhancements to the site.
- 8.33 Details of the soft landscaping and ecological improvement measures should be conditioned.

Sustainable Construction

- 8.34 The application does not set out specifically how the requirements of Policies CS28 and CS29 are to be addressed by this submission. Sustainable building design and construction are an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues.
- 8.35 The development has been or will be constructed to achieve or exceed the Building Regulation requirements for thermal efficiency, energy consumption and water consumption and the proposals include landscaping, biodiversity measures (such as swift boxes and hedgehog gates) and EV charging points. Whilst a resident has expressed concern that the proposed development does not utilise any renewable energy features, Policies CS28 and CS29 do not explicitly require such measures to be introduced, providing the applicant with options on how energy efficiency and conservation measures may be introduced at the site. The Energy hierarchy in the Core Strategy (Figure 16) clearly articulates the greater importance in using less energy per se as a result of good design and thermal efficiency over the generation of renewables. Such matters were not conditioned by the Planning Inspectorate in relation to the larger scheme of 28 dwellings for this site and I consider that it would be otiose to introduce such a requirement at this stage.

Drainage and Flooding

- 8.36 The application site is at a low risk of flooding and subject to appropriate drainage should not increase flood risk elsewhere as a result of development.
- 8.37 A detailed drainage strategy has been provided with the application. The drainage of the site is a Sustainable Urban Drainage system incorporating an attenuation basin. This is

generally considered appropriate in accordance with Policies CS26 and CS32 of the Core Strategy subject to detailed design.

- 8.38 Groundwater monitoring on the site has proved that the use of infiltration techniques, as a means of surface water run-off disposal from the site, are unfeasible. In line with the drainage hierarchy and groundwater constraints, the drainage strategy involves discharging runoff into the local watercourse. The runoff generated from the proposed roofs, parking bays, and access road will be conveyed via a piped network to an attenuation basin, prior to discharging to the watercourse. The existing ground levels are such that a pump and rising main will be required to achieve this. The maximum discharge rate will not exceed the Greenfield rate.
- 8.39 This approach is consistent with the details already approved in respect of the larger proposals for the development of the site and as such I can find no reason not to consider them acceptable in this instance.

Developer Contributions and Infrastructure

- 8.40 All new developments are expected to contribute towards the costs of on site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The Council seeks to secure such infrastructure contributions through a combination of CIL and through an appropriate use of planning obligations under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 8.41 The Council has an adopted Community Infrastructure Levy (CIL) under which financial contributions are secured from all new residential development towards on site, local and strategic infrastructure works necessary to support development. The site would be located within Zone 2 (Elsewhere) wherein a charge of £150 per square metre of new residential development (as increased by indexation) will be levied in accordance with the CIL Charging Schedule.
- 8.42 A legal agreement will be required under Section 106 of the Town and Country Planning Act 1990 (As Amended) in order to secure the provision of affordable housing (44%), the provision and management of open space and associated off-site highway works. Such sums together with those due under the Community Infrastructure Levy would make appropriate contributions towards the cost of on-site, local and strategic infrastructure in accordance with Policies CS8, CS12, CS19 and CS35 of the Core Strategy.
- 8.43 Additional benefits including the provision of a footpath connection to the Canal towpath, the provision of a pedestrian crossing on Tring Road were previously secured via planning conditions and I see no reason that these cannot be reapplied in this case.

Conditions

- 8.44 The Planning Inspectorate applied planning conditions restricting further development on the larger site subject to 20/01754/MFA on the basis that there was a need to control further development in the interests of the visual amenity and character of the surrounding area. Some permitted development rights were removed in the associated appeal decision and in respect to specific criteria and specific plots. These conditions have been consistently applied to this case and for the reason stated.

9.0 CONCLUSION

- 9.1 The approval of the submitted development for nine units will allow for a SANG solution to be utilised resolving a current impasse with the development of the site and allowing those

units constructed on the site to be occupied. The layout of the development is considered to be acceptable and although there would be some harm to the appearance of the countryside, this would be limited and outweighed by the provision of housing and affordable housing in accordance with paragraph 11 of the NPPF.

- 9.2 The Council statutory duties under the Habitat Regulations and the Planning (Listed Building and Conservation Areas) Act 1990 are considered to be met subject to securing appropriate mitigation in respect of the Chilterns Beechwoods SAC

10 RECOMMENDATION

- 10.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 and the following conditions.

- 10.2 That the following Heads of Terms are secured:

- The provision of 4 units (44%) for affordable housing incorporating a single unit as a First Home, an affordable rental unit and two shared ownership properties.
- The provision of off-site and on site highway works including the provision of a pedestrian crossing and footpath connections between the village and the Grand Union Canal
- Details of the long term management and maintenance of public open space
- The provision of a SAMM contribution of some £8,224.92
- The provision of a SANG contribution of some £38,265.39

Condition(s) and Reason(s):

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

Plans

P220_9-100 (Site Location Plan)
P220_9-101 (Proposed Site Plan)
P220_9-102 (Plot 1 Plans and Elevations)
P220_9-103 (Plots 2 and 8 Plans and Elevations)
P220_9-104 (Plot 3 Plans and Elevations)
P220_9-105 (Plots 4 and 5 Plans and Elevations)
P220_9-106 (Plot 6 and 7 Plans and Elevations)
P220_9-107 (Plot 9 Plans and Elevations)
P220_9-108 (Materials Plan)
P220_9-109 (Parking Plan)
8180891/6101 B – Visibility Splays.

Documents

Arboricultural Report (October 2023) by Sylva Consultancy
Flood Risk and Drainage Statement (October 2023) by Glanville
Landscape Management and Maintenance Plan (October 2023) by ACD Environmental
Preliminary Ecological Appraisal (October 2023) by Windrush Ecology Limited
Transport Technical Note (October 2023) by Glanville

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

2. **The development hereby approved, shall be constructed in accordance with the materials specified on drawing P220_9-108**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Core Strategy.

3. **The development hereby approved, shall not be occupied, until the means of access, parking and circulation areas have been provided fully in accordance with drawings P220_9-101 and P220_9-109.**

Reason: To ensure the provision and retention of adequate access and parking facilities for the site in accordance with Policies CS8 and CS12 of the Core Strategy.

4. **The development hereby permitted shall not be occupied until the offsite highway improvement works discharged under planning reference 21/04350/DRC have been completed in accordance with the approved details.**

Reason: In the interests of highways safety and in accordance with Policies CS8, CS12 and CS26 of the Core Strategy.

5. **Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on drawing number 8180891/6101 B. The splays shall thereafter be retained at all times and be kept free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

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

6. **Prior to the first occupation of the development hereby approved details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority.**

These details shall include:

- means of enclosure, including the materials and/or hedging plants to be used for any enclosures, together with the location of any hedgehog gates;
- the provision of suitable controls to ensure that unauthorised access is not gained via the new development to land at the rear thereof,
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- any exterior lighting works and
- the siting and design of any bird boxes, bat boxes and other habitat creation.

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

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

Reason: To ensure the adequate landscaping of the site in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

7. **No further development shall take place until the measures for the protection of trees have been provided in accordance with the Tree Protection Plan within the Arboricultural Report by Sylva Consulting dated October 2023. All protective measures shall remain in-situ and be free from the storage of construction material, plant and machinery for the duration of the construction period.**

Reason: To ensure the adequate protection of trees and landscaping features in accordance with Policy CS12 and Saved Policy 99 of the Local Plan 1991-2011.

8. **The development hereby approved shall not be occupied until a plan for the management, maintenance and ecological improvement of the public open space and site boundaries has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be maintained, and improvements implemented fully in accordance with the approved details.**

Reason: To ensure the satisfactory management of open space in the interests of visual amenity and biodiversity and in accordance with Policies CS12 and CS26 of the Core Strategy.

9. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) or any revisions thereto there shall be no development falling within the following schedules to the specified units without the express planning permission of the local planning authority**

**Schedule 2 Part 1 Class A – All plots
Schedule 2 Part 1 Classes B and C - Plots 1, 8 and 9
Schedule 2 Part 2 Class A – All plots**

Reason: In the interests of the visual amenity of the area and residential amenity in accordance with Policy CS10, CS11 and CS12 of the Core Strategy.

INFORMATIVES

HERTFORDSHIRE HIGHWAY

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

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway

Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

CONTAMINATION

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

CANALS AND RIVERS TRUST

1. The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust ".
2. The applicant is advised that any surface water discharge to the waterway will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right-where they are granted, they will usually be subject to completion of a commercial agreement. Please contact Chris Lee, Utilities surveyor (chris.lee@canalrivertrust.org.uk). For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Tring Rural Parish Council	The Council opposed the original application for this site and that objection stands. Nevertheless permission was granted, and in view of the problems faced by the developers we can see merit in allowing this smaller application.
Hertfordshire Constabulary	Car Parking - I do have concerns regarding the parking bays for houses 4 and 5 as there is no surveillance at all; in relation to crime prevention and security we do not advocate rear parking areas.
Hertfordshire County Council – Ecology Unit	Thank you for consulting this office on the above application. Overall Recommendation: This application can be determined with no ecological objections (with any informative/conditions listed below) subject to the LPA being satisfied that the HRA matters will be addressed. Summary of Advice:

- Reptile recommendations in the report should be followed.
- No additional lighting which deviates from the original scheme should be installed without approval.
- Tree and hedgerow protection measures in the ecological report should be followed.
- A BNG plan should be secured by condition.
- The site lies within the Chilterns Beechwoods SAC zone of influence: HRA needed.

Comments:

Hertfordshire Ecology were consulted in 2020 regarding the initial application which was for the “construction of 28 dwellings with access off Tring Road, including parking and garaging, creation of public open space, landscaping, and all enabling and ancillary works”.

The development is currently partially built, however retrospective planning permission is being requested which incorporates 9 dwellings from the original scheme.

Reptiles: The land has already been cleared for development, therefore for the most part, the site will be of negligible value for most protected species. However, it is noted in the Preliminary Ecological Appraisal (2023) that the site has some colonising ruderal vegetation present, which may have implications for reptiles.

Recommendations have been made by Windrush Ecology relating to vegetation clearance for reptiles (section 6.3). These measures should be followed.

Bats: To be mindful of bats and other nocturnal wildlife, a sensitive lighting scheme was recommended in our previous response dated 26/10/2020. No additional external lighting should be installed without prior consent from the local planning authority.

Hedgerows and trees:

Recommendations have been made by Windrush Ecology regarding the protection of the retained trees and hedgerows on site. All these recommendations (section 6.2) should be followed in full.

Biodiversity net gain (BNG): A biodiversity net gain assessment has been submitted as part of the Preliminary Ecological Appraisal document. From first glance, the net gain proposed looks to be feasible and proportionate to the scale of the development.

However, it is not possible to fully quantify the net gain without the submission of the metric. This metric was evidently used since the calculations are included in the report, however no evidence of the excel metric has been submitted.

Given BNG is proposed within the Planning Statement for which significant weight is claimed, a Biodiversity Gain Plan should be provided as a condition of approval. This should be informed by the Biodiversity Metric which must be submitted in full in support of the

	<p>Gain Plan. This will describe what habitats are to be created and how they will be managed and monitored.</p> <p>Chilterns Beechwoods SAC:</p> <p>The proposed development comprises the erection of 9 dwellings. This suggests a net increase in residential accommodation. Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', the Habitats Regulations 2017 (as amended) apply and we recommend that as the competent authority, the Council must undertake a Habitats Regulations Assessment (HRA). This is because we consider there is a credible risk that harmful impacts from the increase in recreational pressure on the SAC (alone or in combination with other plans or projects) may arise and that likely significant effects cannot be ruled out.</p> <p>If, following further 'appropriate assessment', the HRA is subsequently unable to rule out adverse effects on the integrity of the SAC, mitigation will be required.</p> <p>Effective mitigation will be best delivered by adopting the measures set out in the Council's strategic mitigation plan and the payment of the appropriate tariff(s). The latter will contribute to the implementation of 'strategic access management and mitigation measures' (SAMMs) alongside the creation of suitable alternative natural green spaces' (SANGs).</p> <p>As there is no indication in the application that the tariff(s) will be paid, it is our opinion that adverse effects cannot be ruled out and consent cannot be granted until adequate mitigation is provided.</p>
<p>Hertfordshire County Council – Growth and Infrastructure Unit</p>	<p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Hertfordshire County Council's Guide to Developer Infrastructure Contributions 2021.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition. I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit</p>
<p>Hertfordshire Highways</p>	<p>This is an interim to obtain further information regarding the access for the site and pedestrian crossing to the south of the Site. The documents state that the access will be the same as planning application 20/01754/MFA, however, within the transport note it states;</p>

	<p>"The aim of the proposal is to function as a standalone scheme in its own right "</p> <p>Therefore, as this is a standalone application the approved access arrangements including design, visibility splays and speed data need to be included within this application to ensure that for the 9 dwellings proposed the access is acceptable. This is owing to the documents clearly stating this scheme as standalone from the rest. This is to ensure that no details are missed post this application being approved as this is the beginning of the site which potentially will facilitate 28+ dwellings. The previous scheme mentioned a pedestrian crossing which needs to also be included within this application again owing to the points raised above.</p> <p>Once this has been included then HCC Highways can make an informed recommendation for the site.</p>
Urban Design Officer	<p>I have no objection to the proposed changes to plots 2no. - 8no. However, the proposed single storey and two storey extensions to plot 1no and 9no result in overly large dwellings that are inconsistent with the local area and in my view excessive. I would recommend that the extensions are significantly reduced or omitted from Plots 1 and 9, in order for this to be considered acceptable.</p>
Environmental Health - Contamination	<p>Having reviewed the application submission and the Environmental Protection (ECP) Team records, in particular the Aviron Phase I and II Geo-environmental Risk Assessment Report (2021) ref. 21-250.01 that was submitted in support of a previous application relevant to this application site, I am able to confirm that there is no objection on the grounds of land contamination.</p> <p>However, it is considered appropriate to recommend that the following land contamination informatives are included on any permission that is granted.</p> <p>Contaminated Land Informative 1:</p> <p>In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be immediately reported in writing to the Local Planning Authority (LPA) with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2:</p> <p>Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:</p> <p>Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials.</p> <p>If any other material is encountered that causes doubt, or which is</p>

	<p>significantly different from the expected ground conditions advice should be sought and the LPA informed</p>
<p>Environmental Health – Noise and Pollution</p>	<p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, Air Quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative</p> <p>Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Waste Management Informative</p> <p>Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.</p>

	<p>Air Quality Informative.</p> <p>As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.</p> <p>As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.</p> <p>A key theme of the NPPF is that developments should enable future occupiers to make “green” vehicle choices and (paragraph 35) “incorporates facilities for charging plug-in and other ultra-low emission vehicles”. Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds – Informative</p> <p>Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</p>
Trees and Woodlands Officer	<p>The development area is very limited in regard to tree presence. According to the information submitted no trees will be detrimentally affected by the proposal and I am in agreement with these findings.</p> <p>A Landscape Plan has been submitted but is not in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape. I therefore require the applicant to submit a tree planting scheme clearly identifying location, species, and a robust aftercare programme</p>

	<p>to ensure trees are afforded the best opportunity to reach maturity. This should also include replanting in the event of failure. This can form part of a condition to be agreed with the LPA prior to completion</p>
<p>Canal and River Trust</p>	<p>We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.</p> <p>The main issues relevant to the Trust as statutory consultee on this application are:</p> <ul style="list-style-type: none"> a) The impact on the character, appearance, and heritage of the waterway. b) The impact on the structural integrity of the canal due to the proximity of the proposed works and drainage proposals. c) Accessibility. d) Possible mitigation measures as a result of flooding from Startops Reservoir <p>Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions are necessary to address these matters.</p> <p>Our advice and comments follow:</p> <p>The proposals seek to amend the house types approved as part of a previous scheme for the site which was allowed at appeal. (LPA ref: 20/01754/MFA) Whilst the changes proposed would increase the footprint and overall bulk of some of the proposed dwellings, they would still be set back significantly from the canal boundary. Considering this, the retention of existing planting and commitment to new planting the visual impact of the development when viewed from the canal corridor would not be significantly altered from that of the approved scheme.</p> <p>With regards to the other matters outlined above our comments are as per our response to the original planning application and should planning permission be granted, we request that the conditions imposed on the previous approval are included on any decision. In addition, the following informatives should also be appended to the decision notice:</p> <ul style="list-style-type: none"> 1) The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust". 2) The applicant is advised that any surface water discharge to the

	<p>waterway will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right-where they are granted, they will usually be subject to completion of a commercial agreement. Please contact Chris Lee, Utilities surveyor (chris.lee@canalrivertrust.org.uk). For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.</p>
<p>Natural England</p>	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>NATURAL ENGLAND'S ADVICE</p> <p>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <ul style="list-style-type: none"> • Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG. • Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy. <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p> <p>When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.</p> <p>Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.</p> <p>The 12.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.</p>

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

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

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

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

Natural England are working alongside all the involved parties in order to achieve a Strategic Solution that brings benefits to both the SAC and the local area to deliver high quality mitigation.

Once the strategy has been formalised all net new dwellings within the 500m - 12.6km zone of influence will be expected to pay financial contributions towards the formal strategy.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC.

In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 64.

We would like to draw your attention to a recent appeal for St Leonard's Church Hall (Ref: APP/X0415/W/21/3278072) dated 1 March 2022. The appeal relates to net development within 12.6km of Chilterns Beechwoods SAC and was dismissed. The appeal decision is attached in Annex A.

Protected Landscapes – Chilterns Beechwoods AONB

The proposed development is located within a proposed area of search which Natural England is considering as a possible boundary

variation to the Chilterns Area of Outstanding Natural Beauty (AONB). Although the assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the development proposal.) Natural England considers the Chilterns to be a valued landscape in line with paragraph 174 of the National Planning Policy Framework (NPPF).

Furthermore, paragraph 176 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies.

An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issue of the designation order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.

For more information about the boundary review process, please read these Frequently Asked Questions.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex B

Annex A – Appeal Decision

Annex B

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact

Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the [Magic](#) website or as Local Wildlife Sites. List of priority

habitats and species can be found [here](#)².

Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

²<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures.

Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a

positive contribution to the local landscape.

- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.0](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.0](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.0](#) and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure

	<p>strategies should be delivered where appropriate.</p> <p>Rights of Way, Access land, Coastal access and National Trails Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.</p> <p>Biodiversity duty Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.</p>
NATS Safeguarding	<p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.</p> <p>However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.</p> <p>If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.</p>
Affinity Water	Affinity Water has no comments to make in relation to this application.
Thames Water	Thames Water would advise that with regard to foul water sewerage Having reviewed the details, we have no comments to make at this time.

APPENDIX B: NEIGHBOUR RESPONSES

Address/Neighbour	Comments
90 Tring Road	We originally objected to planning application 20/01754/MFA for 28 homes.

	<p>This new application is for 9 homes on the same site.</p> <p>This site currently has 6 new homes already built on site and due to the Chilterns Beechwood Special Area of Conservation (SAC) the site was closed down in Spring of 2023. Works were to be completed on the 28 homes by end of 2024. The foundations are already in place I believe to build further detached homes.</p> <p>I know there will be a planning issue with only providing 2 affordable homes as the original number for this site was for 50% affordable.</p> <p>We live next door to this site which has been left cleared and tidy. There are currently no services on site and the 6 detached houses externally are complete with the ground floor level windows and doors boarded for security.</p> <p>We support this application as we would like to see the site completed. Wilstone has many visitors, ramblers and a number of Duke of Edinburgh award teens who come through annually. It is unfair on the residents of a small village on entry to the village to have from the canal bridge to almost Grange Road boarded up. This part of Tring Road for walkers and drivers now seems to have narrowed with the hoarding and overgrown hedging opposite the site with drivers having to stop and give way.</p> <p>This site has reduced the number of birds visiting our garden and I'm sure on site it has also impacted wild life as there is now no grass or vegetation.</p> <p>In view of the Chilterns and Beechwood (SAC) this site could remain unfinished indefinitely, leaving the site as it stands.</p> <p>Speaking to a number of residents they are in the same frame of mind, they would like to see the site completed asap in whatever form so our village can return to normal.</p>
<p>Rosewood House, Rosebarn Lane</p>	<p>I think that when you have to send lorries to pump out over flowing matter from the sewage processing plant in the village then that is trying to tell you something. This development is not really in keeping with the actual need of housing locally i.e. 1 property in 9 to rent. The properties that have already been built don't appear to have any facilitation for renewable energy sources.</p>