

Item: 5b

23/02805/FUL	Proposed Electric Vehicle (EV) Charging Station and Cafe	
Site Address:	Land opposite The Eagle Public House, Hempstead Road, Kings Langley	
Applicant/Agent	The Park Garage Group Plc/Simply Planning Ltd	
Case Officer:	Robert Freeman	
Parish/Ward:	Kings Langley	Kings Langley
Referral to Committee:	This application has been referred to the Development Management Committee given the objections of Kings Langley Parish Council to the application and given the previous refusal of a planning application for an EV Charging Station at this site by the Development Management Committee. Kings Langley Parish Council consider the proposals to be inappropriate development in the Green Belt in view of its scale and nature.	

1. RECOMMENDATION

- 1.1 That planning permission be **GRANTED**

2. SUMMARY

- 2.1 The application would involve the construction of an EV Charging hub within the Green Belt. Although the infrastructure to charge vehicles would not constitute inappropriate development in the Green Belt, as defined by paragraph 155 (c) of the National Planning Policy Framework (NPPF) (December 2023), the building associated with the EV charging hub would not comprise local transport infrastructure and as such would be inappropriate development in the Green Belt as set out in the (NPPF) and Policy CS5 of the Core Strategy.
- 2.2 The building would result in moderate harm to the open character and appearance of the Green Belt contrary to the NPPF and Policy CS5 of the Core Strategy. The proposals are otherwise acceptable in accordance with Policies CS8, CS12, CS26, CS27 and CS29 of the Core Strategy.
- 2.3 The need for EV charging facilities together with the economic and environmental benefits associated with the development would constitute Very Special Circumstances and would outweigh the harm to the Green Belt in this case.

3. SITE DESCRIPTION

- 3.1 The application site comprises a triangular plot of land located on the eastern side of the A4251 (Hempstead Road) and to the south of the Texaco petrol filling station, Kings Langley. The site is located between the A4251 (Hempstead Road) and the mainline railway between London Euston and Birmingham.
- 3.2 At the northern end of the site is an existing Texaco petrol filling station incorporating a car wash and 24 hour convenience store and beyond this site is a small commercial premises formerly occupied by Chiswell Pools. The site is opposite the grade II listed former Eagle public house and hotel and there are a number of detached residential properties to both the south and west of the site.

- 3.3 The site is accessible from two vehicular access points from Hempstead Road including those serving the existing petrol filling station. An area of hard standing at the northern end of the site is also accessible from Hempstead Road and is understood to have been unlawfully utilised by the former pub opposite the site as car parking for its patrons. This has long ceased to be used for this purpose.

4. BACKGROUND

- 4.1 The application follows the earlier submission of a request for pre-application advice in relation to the site (20/04034/PREB) Under this pre-application officers were asked to consider the planning merits of a scheme for an EV Charging hub and café providing 22 charging points and 20 affordable housing units.

- 4.2 A planning application (22/00353/MFA) was submitted in February 2022 and included the provision of a scheme for 10 residential units in addition to the proposed EV Charging hub. The residential elements of the scheme were removed given the clear conflict with Green Belt policy and other planning concerns with the proposal.

- 4.3 This application was subsequently refused contrary to the recommendation of the case officer at the Development Management Committee of the 17th November 2022 for the following reason:

“The proposed development would comprise inappropriate development within the Green Belt and would result in harm to the open character and appearance thereto. This harm is not clearly outweighed by the economic and social benefits put forward as very special circumstances in this case. The applicants have not adequately demonstrated that there are not alternative locations for the development outside of the Green Belt. For these reasons the proposals would be contrary to paragraphs 149 and 150 of the National Planning Policy Framework and Policy CS5 of the Dacorum Borough Core Strategy”

- 4.4 The Decision Notice was issued on the 23rd November 2022.

5. PLANNING HISTORY

- 5.1 Planning permission has previously been refused for the use of the hard standing opposite the Eagle public house for the stationing of a fast food van, hand car wash and sale of motor vehicles (4/00722/15/FUL) The officer in this case concluded that the mix of land uses constituted inappropriate development in the Green Belt and also resulted in a significant loss in open character thereto. There was little information in relation to access to the site and no Very Special Circumstances submitted in support of the development.

6. PROPOSALS

- 6.1 The applicants submitted a new proposal for the construction of an EV Charging Hub at the site on the 1st December 2023 having considered how to address the reasons for refusal provided by the Development Management Committee.

- 6.2 The proposed EV Charging Station would provide 28 EV charging spaces, charging facilities for electric bikes and a new building incorporating a café, ancillary retail and toilet facilities.

- 6.3 A very different approach has been undertaken to the design of the hub building from that previously submitted. The hub building now takes its form from a more traditional agricultural style building that draws on local vernacular and historic farmsteads to integrate with the wider landscape. The roof profile, height, form and palette of materials

are a stark contrast with the light weight and extensively glazed building previously refused planning permission.

- 6.4 The hub building would be constructed and finished in vertical timber cladding with aluminium framed windows. Vertical timber brise soleil will provide solar shading and help to articulate the facades. The building would extend to some 5.6m in height at clerestory level but would have a general ridge line of some 5.3m. The eaves line of the building would be some 4.1m in height commensurate with the previous proposals before dropping down in height at its southern and eastern ends. The lower building would have an eaves line of some 2.5m in height and would have a ridge level some 3.7m above ground level; the step back and down providing a break in the mass and visual impact of the proposals. A central lounge within the building would be supported on either side by ancillary spaces such as the café service area and toilets. The café space would have its store and plant served by a delivery bay at the western end of the building. Its central lounge would be more heavily glazed.
- 6.5 The footprint of the proposed building has been significantly reduced from previous submissions. Further amendments to the proposals during the application have further reduced the footprint of the gross internal floor area of the proposals to some 230.5m² with the sales area being reduced from 112.4m² to some 97.4m². The length of the proposed building has been reduced through a compression of the ancillary facilities resulting in a reduction in the length of building by around 4.5m. Amendments to the proposals have also seen the substation and bike store integrated within the main building.
- 6.6 The building would utilise sustainable technologies to minimise the use of power and water as a result of its ancillary facilities. On site renewable energy would be provided by the provision of solar panels and air source heat pumps.
- 6.7 Vehicular access and egress to the site will be taken from Hempstead Road as per the existing service station with the crossovers altered/upgraded to reflect the intended use of the site.
- 6.8 The submitted application also clarifies that the existing petrol filling station (Texaco) adjacent to the development is in separate land ownership and comprises a viable business. The applicant is not in a position to replace or extend the adjacent service station and does not consider that the replacement of a petrol filling station should be a material consideration in this case. The EV facility seeks to sit alongside the petrol station.
- 6.9 The application also includes further information regarding an assessment of alternative locations for the EV facility with a view to addressing concerns raised at previous meetings of the Development Management Committee.

7. REPRESENTATIONS

Consultation responses

- 7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 – Selection of Development Sites
CS5 – Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of Public Realm
CS14 – Economic Development
CS16 – Shops and Commerce
CS25 – Landscape Character
CS26 – Green Infrastructure
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
Kings Langley Place Strategy
CS35 – Infrastructure and Developer Contributions.

Kings Langley Neighbourhood Plan

KL1 – Location of Development
KL3 – Character of Development
KL4 – Design of Development
KL5 – Energy Efficiency and Design
KL9 – High Speed Broadband
KL10 – Conserving and Enhancing the Network of Green and Blue Infrastructure
KL12 – Managing the Environmental Impact of Development
KL16 – Protection and enhancement of key movement routes

Saved Policies

Policy 51 – Development and Transport Impacts
Policy 56 – Roadside Services
Policy 62 – Cyclists
Policy 99 – Preservation of Trees, Hedgerows and Woodland

Supplementary Planning Guidance/Documents:

Dacorum Electric Vehicle Strategy
Car Parking Standards SPD (November 2020)
Hertfordshire County Council Electric Vehicle Charging Strategy (September 2023)
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)

8 CONSIDERATIONS

Policy and Principle

- 8.1 The application site is located in the Green Belt where the local authority should regard the construction of new buildings as inappropriate development in accordance with paragraph 154 of the National Planning Policy Framework (NPPF), Policy CS5 of the Core Strategy and Policy KL1 of the Kings Langley Neighbourhood Plan (KLNP). There are a limited number of exceptions made at paragraphs 154 and 155 of the NPPF. The applicant's submission highlights that the following exceptions are supportive of the proposals: paragraph 154 g) limited infilling or the partial or complete redevelopment of previously developed land which would: - not have a greater impact on the openness of the Green Belt or not cause substantial harm to the openness of the Green Belt and paragraph 155 c) local transport infrastructure that can demonstrate a requirement for a Green Belt location.
- 8.2 With regard to the exception at paragraph 154 g), it is noted that the land subject to this application comprises land which has historically been used as a hard standing and overflow parking area by the Eagle public house on the opposite side of Hempstead Road. There were however, a number of planning enforcement cases regarding this use. The area of hard standing appears to have been provided without planning permission and measures to restore the site to its original condition have been, to some extent, implemented. In this context, I do not consider a large proportion of the site comprises previously developed land as set out in Annex 2 of the NPPF. Furthermore, the proposals would introduce an element of built form upon the site and as such cannot be considered as having a lesser impact on the more open character and appearance of the Green Belt in this location. For these reasons, the proposals would not be an exception under paragraph 154 g) of the NPPF.
- 8.3 Paragraph 155 of the NPPF also indicates that other forms of development maybe considered acceptable if they preserve the open character and appearance of the Green Belt and do not conflict with the purposes of Green Belt Policy. One such example is local transport infrastructure which can demonstrate a requirement for a Green Belt location¹
- 8.4 Although there is no definition of 'local transport Infrastructure' within the NPPF there appears to be a coherent argument to conclude that the EV charging facilities would fall within the scope of 'local transport Infrastructure' given the increased reliance on EV and zero carbon forms of transport and the overriding sustainability objectives of the Government. However, the additional facilities such as the associated café/hub would not fall within the definition of local transport infrastructure and given the implications for the openness of the Green Belt, this must be considered to be inappropriate development in the Green Belt. It is evident that such development may only be approved in Very Special Circumstances and these will not exist unless the substantial weight afforded to the harm to the Green Belt by reason of inappropriateness is clearly outweighed by other material planning considerations.

The Need for EV Charging Stations and their role as Local Transport Infrastructure

- 8.5 The Government published "Taking Charge: the electric vehicle infrastructure strategy" in March 2022 and within it set out a number of challenges to address in relation to the role that road transport has in reducing carbon emissions. This report identified that EV infrastructure was the biggest challenge to the decarbonisation of transport and provided a commitment to remove charging infrastructure as both a perceived and a real barrier to the adoption of electric vehicles by 2030.

¹ Paragraph 150 c) of the National Planning Policy Framework (2023)

- 8.6 The national EV Infrastructure Strategy sets out that local authorities have a significant role to play in the delivery of a network of EV charging facilities both through the use of their own infrastructure, the application of planning policies and alterations to street furniture.
- 8.7 This strategy builds upon the statements in 'The Road to Zero; Next steps towards cleaner road transport and delivering our Industrial Strategy' (2018) in which a key objectives of Government was to support the development of "one of the best electric vehicle infrastructure networks in the world" 'According to 'The Road to Zero' transport is the largest sector for greenhouse gas emissions in the UK (27%) of which road transport accounts for over 90%. The Government subsequent to this document supported this transition through a number of funding schemes to accelerate the delivery of supporting infrastructure including the Local Electric Vehicle Infrastructure (LEVI) fund, the On-Street Residential Charge point Scheme (ORCS), Workplace Charging Scheme (WCS) and Rapid Charging Fund.
- 8.8 The UK government has committed to reducing greenhouse gas emissions by 28% by 2035 and to move to Net Zero by 2050. Transitioning from petrol and diesel cars to electric vehicles is key to reducing emissions and meeting Net Zero. The sale of new petrol and diesel cars will cease from 2035 (formerly 2030) with the intention that all new cars and vans will have zero emissions at the tailpipe in due course. For this to happen it is essential that there is a comprehensive and competitive EV charging network that people can trust and are confident using. It is estimated that nationally around 300,000 public chargers are required. The need for infrastructure is acute and pressing as illustrated by the slippage in ceasing petrol and diesel from 2030 to 2035 to allow infrastructure to "catch up". Although petrol filling stations continue to play an important role in the short to medium term, it is evident that the transition should enable choice for those utilising other vehicles.
- 8.9 Since the provision of an EV Charging Hub in this location was initially considered by the Council, the County Council has produced an Electric Vehicle Charging Strategy (September 2023) setting out how they will support the delivery of publicly available EV charge points both in the short term and up to 2030. The successful implementation of this strategy will require the cooperation of key stakeholders including the District and Borough Councils, power suppliers and charge point operators.
- 8.10 The Hertfordshire Electric Vehicle Charging Strategy indicates that by 2030 there will be an estimated need for around 6,800 publicly available charging points in Hertfordshire. This represents a six fold increase against current levels. Higher estimates of need are provided by CENEX, who suggest that this figure could be increased to some 8,980. The County Council anticipates that they will be able to meet their predictions regarding the demand for EV Charging points through the existing funding secured by individual authorities for 2025 and through additional investment through the Local Electric Vehicle Infrastructure (LEVI) funding. LEVI funding will be utilised to expand the network between 2025 and 2030. It appears likely that greater private sector provision would be needed to meet the CENEX target.
- 8.11 LEVI funding has been secured to roll out charging infrastructure in Hertfordshire and good progress is already being made by the County Council and individual local authorities through the prioritisation of off-street charging hubs in Council owned car parks and other public land.
- 8.12 Dacorum's Electric Vehicle Strategy identifies that one of the key challenges for transitioning to EV's is the availability of charging infrastructure. It acknowledges that the provision of charging points has failed to keep pace with the number of electric cars and that only around 7% of households were within a 5 minute walk of a public charger.

- 8.13 The Council identifies a need for around 700 publicly available charging points by 2030 to meet demand in the Borough. Whilst the Council can provide some EV charging points within public car parks and on public land this would not provide an effective network of chargers given their siting and coverage. The Strategy recognises that there is a need for hubs to be provided close to main arterial roads (M1, A41 and A414) to support a transition to EV.

The Siting of EV Charging Facilities

- 8.14 The provision of EV charging hubs is now mapped on the County Council website². This mapping of public EV charging hubs shows clear gaps in coverage included extensive areas of Dacorum. It is evident that there are limited public charging facilities between Apsley and the M25 and serving regular users of the A4241/M25 corridors.
- 8.15 Paragraph 155 of the NPPF requires a sequential approach to the selection of sites for local transport infrastructure. These will only be acceptable forms of development in the Green Belt, if there are no other suitable non-Green Belt locations.
- 8.16 It is considered that the selection of sites for EV charging hubs should consider the accessibility of a site to the strategic road transport network. Whilst it is accepted that this is not strictly necessary for this facility to be located in the Green Belt, it is inevitable if a strong EV charging network is to be established that it follows the key transport corridors in the Borough. This approach appears to be endorsed in Saved Policy 56 of the Dacorum Borough Local Plan 1991-2011 which identifies that essential roadside services (fuel, basic refreshments and parking) may be permitted outside of towns and large villages. The application site is well located in relation to the strategic highway network being on the A4251 (Hempstead Road) and within relative close proximity to both the M25 and M1. It is located on an established commuter route between nearby settlements and London, St. Albans and Watford and well placed to serve local residents, commuters and visitors.
- 8.17 It is also appreciated that there are substantial difficulties in acquiring urban locations given the strong policy preference for residential developments and the relative viability and benchmark values to such land uses.

Impact on the Green Belt

- 8.18 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt being their openness and permanence as set out in paragraph 142 of the NPPF and Policy CS5 of the Core Strategy.
- 8.19 The Green Belt also serves the five purposes as set out in paragraph 143 of the NPPF.

These purposes are:

- a) to check the unrestricted sprawl of large built up areas;
- b) to prevent neighbouring towns merging into one another,
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

² The HCC website takes you to an external mapping site (Zap Map) showing the location of plotted facilities. This can be filtered by type and availability

- 8.20 Openness, as set out in *Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466*, is open-textured such that a number of factors are capable of being relevant to the concept of openness. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications.
- 8.21 The application site is fairly urban in nature comprising a number of hard standing areas adjacent to the existing petrol filling station and opposite Nos 129 and 129a Hempstead Road and the Eagle public house. The site is a gap in a ribbon of development extending from the junction with Rucklers Lane and Red Lion Lane and including on its eastern side 118 and 120 Hempstead Road to the south of the site. There is a cluster of commercial buildings to the north of the site and opposite Abbots Rise³ adjacent to which the hub building would be located. This area of open land is constrained by built development to the north and by important transport corridors to the east and west including the elevated mainline railway to the rear (west) of the site. The existing area of hard standing has a limited impact on the open character of the green belt in both visual and spatial terms.
- 8.22 In contrast the proposals would introduce a new building on an area of open land adjacent to the existing Texaco petrol filling station. The introduction of a building in an area that is currently open (except for hard standing) will clearly reduce the spatial characteristic of openness in this location. It will also have an adverse impact on the visual amenity of the Green Belt, even if the harm to the visual amenities of the Green Belt is limited as a result of the scale and siting of the building, its use of materials and its context. The proposed building would be viewed against the backdrop of the elevated railway line and in the context of neighbouring buildings. The building itself would be located below the level of the adjacent highway sunk into the landscape and with the roof form falling away from the road towards the rear of the property. There would be limited wider views of the site from the surrounding countryside.
- 8.23 The harm to the aims and objectives of Green Belt policy is limited. In respect of paragraph 143 a) with the proposed development, to some extent, infilling a gap in a ribbon of development extending from the junction of Rucklers Lane and Red Lion Lane and 118-120 Hempstead Road to the south of the site. It is not considered to result in sprawl per se and efforts have been made to consolidate the built form central to the site and amongst landscaping. The land is part of a wider land parcel separating the town of Hemel Hempstead from Kings Langley. The majority of the open land beyond this area would be retained and the proposals would not significantly intrude on the strategic open space between built development at Abbots Rise/Barnes Rise and the Eagle public house and Coniston Road at the edge of Kings Langley village. The proposals do not undermine the ability of Green Belt land to prevent the coalescence of the settlements of Kings Langley and Hemel Hempstead nor the setting of these towns under paragraph 143 b) or d) only limited harm to objective c) of the Green Belt purposes as a result of the development can be identified.
- 8.24 It is not considered that the proposals would undermine the regeneration of urban land. Such sites are unlikely to be available to the applicant on the open market nor viable for the intended use. Furthermore, the scale of commercial use proposed is unlikely to impact on viability of other commercial operations in urban locations and as such is not considered to prejudice the use of urban sites.

³ Subject to proposals for redevelopment for residential and other purposes.

The Hub

- 8.25 The provision of a café, lounge and retail area associated with the EV Charging Station would not fit neatly within a narrow definition of local transport infrastructure, however it is clear that such facilities might be necessary in order to successfully operate the EV facility in this location. In these circumstances, it has been necessary for the applicants to demonstrate that Very Special Circumstances exist to outweigh the harm to the Green Belt in this case.
- 8.26 The Research report '*Public Electric Vehicle Charging Infrastructure – Deliberate and quantitative research for drivers without access to off-street parking*' (February 2022)⁴ indicated that both non EV drivers and those with Battery Electric Vehicles (BEV) have difficulties with the speed of charging at destinations (such as supermarkets) with most assuming that they would need to spend a considerable amount of time to fully charge the vehicle. Even if rapid chargers were available, the time taken to charge would be significantly longer than undertaking a visit to the petrol filling station and is considered to be an inconvenience and barrier to EV use. The option of a faster 'top up' was rarely considered by respondents to this research despite such visits being commonplace at the petrol alternative; primarily given a lack of knowledge in relation to EV/BEV and/or concerns with availability of EV charging stations. It is therefore likely that visitors to the proposed EV charging facility would spend between 20 to 60 minutes at the site.
- 8.27 The Hub building is considered fundamental to the functioning of the EV Charging hub, providing a space for users to dwell for a significant period of time whilst vehicles are charging. The need for such facilities are recognised in Saved Policy 56 of the Dacorum Borough Local Plan 1991-2011 which identifies that essential roadside services (fuel, basic refreshments and parking) may be permitted outside of towns and large villages. It should provide a community facility and be provided with High Speed Broadband in accordance with Policy KL9 of the KLNP
- 8.28 It is considered that the building would be a catalyst to the use of the EV Charging facility allaying concerns with regards to the inconvenience of vehicle charging and supporting the movement towards the use of EV. The hub would encourage the use of alternative means of transport to the petrol vehicular transport, supporting the sustainable transport agenda.

Very Special Circumstances

- 8.29 The applicant's case for Very Special Circumstances identifies the following benefits to the proposed development:
- The need for EV Charging Stations to achieve decarbonisation and address the current barrier to EV uptake;
 - Local need for charging and the failure of the Development Plan to provide a strategy for the delivery of an EV network;
 - The siting of the development alongside the Strategic Road Network;
 - The benefits of co-location and familiarity;
 - The importance of ancillary facilities to act as a catalyst to EV take up;
 - The economic benefits of employment associated with the EV Charging hub and
 - The environmental and social benefits through challenging climate change and resource depletion.

⁴ This report was produced by Britainthinks and the Department for Transport.

There is no need for Very Special Circumstances to be unique and no reason why a number of seemingly ordinary circumstances might combine to be considered as Very Special Circumstances. The weight to be applied to these circumstances individually and collectively is a matter of planning judgement.

- 8.30 The applicants highlight that the rollout of charging infrastructure is too slow to meet demand, citing evidence that only around 600 charge points were added to the public network in 2021. If this trend continues we will fall woefully short of the target of 300,000 chargers required nationwide. They highlight an issue regards the accessibility of charging infrastructure and reliability stating that a number of public chargers are regularly found to be broken. This fuels uncertainty amongst potential user groups.
- 8.31 The applicants highlight that the emerging “Revised Strategy for Growth (2024-2040) makes no provision for on-route charging facilities through proposed allocations; nor does it include any dedicated policy for EV Charging infrastructure” As such they contend that in the absence of plan led provision, there are Very Special Circumstances in which to promote development of this Green Belt location to meet the need for EV Charging facilities.
- 8.32 It is considered that substantial weight should be attributed, to the need to establish an EV charging network, the locational benefits of the site and the absence of available, appropriate and viable alternative sites
- 8.33 The proposals will support economic growth in accordance with Policies CS14 and CS16 of the Core Strategy both through the creation of construction jobs and through the provision of new jobs by the end user. It will also support and sustain the economic well-being of those employed in the supply chain. The applicant estimates that 2 f/t jobs and 8 p/t jobs will be created for local residents to staff the café/retail hub. The lounge space would also support a number of remote workers whilst vehicles are charging and between appointments/on-going travel requirements. It is considered that the scheme would deliver some modest economic benefits in the locality and have therefore been given moderate weight in forming the recommendation. There is support for such small business in Policy KL7 of the KLNP providing that there is no adverse impact on the character and nature of the surrounding area and accessibility.
- 8.33 The importance of tackling transport emissions is a fundamental objective of the NPPF and Core Strategy and the Council’s responsibilities to address a Climate Emergency. Measures to encourage sustainable transport alternatives are embedded in Policies CS8 and CS12 of the Core Strategy and Car Parking Standards SPD (2020) whilst measures to reduce carbon emissions, tackle climate change and address air quality and other environmental/social issues are necessary under Policies CS28, CS29 and CS32 of the Core Strategy. The EV charging station has a fundamental role to play in addressing the need to reduce carbon emissions and reduce pollution associated with transport. The environmental benefits and social benefits (for example improvements to air quality and public health for example) would add substantial weight in favour of the proposed development.
- 8.34 It is evident that there are a number of Very Special Circumstances which, considered collectively would weigh heavily in favour of development. These matters are considered sufficient to out-weigh the limited harm identified to the Green Belt in the paragraphs above.

Layout and Design

- 8.35 The proposed development is considered to be acceptable in terms of its layout, design, bulk, scale, site coverage, height and use of materials in accordance with Policies CS11 and CS12 of the Core Strategy. It is considered to provide high quality design in accordance with Policy KL4 of the KLNP; particularly in respect of the landscape and heritage and accessibility requirements thereto.
- 8.36 The hub building takes its form from the historic agricultural context of the wider area. It is designed to appear as an agricultural building set in substantial landscaped grounds. These landscaped areas are designed to counter the dominance of car parking areas associated with this use; with the majority of the EV spaces located to the rear of the property and between the building and the railway embankment.
- 8.37 The built development comprises two narrow span, timber clad buildings constructed either side of a glazed lounge and with simple gable roofs. A simple silhouette is extruded working with the slope in the landscape. An asymmetrical central roof section allows a lower building to be set back from the frontage of the property reducing the bulk and the perceived scale of the overall building from Hempstead Road. The roof form creates a clerestory space in the café, exposing the timber roof frame and providing a dramatic interior space. This also allows the roof pitch of the building to fall away from the Hempstead Road frontage with the topography of the site.
- 8.38 The footprint of the proposed building has been reduced since the earlier submission and has been further reduced during the consideration of the application. The amendments to the footprint of the building have reduced the length of the south western (Hempstead Road) elevation by some 4.5m whilst reducing the scale and volume of development in line with the suggestions of the urban design officer. The amended plans incorporate the substation and E-Bike facility within the main building resulting in the removal of a separate building from the frontage to the application site. This allows for further landscaping of the site frontage and improvements to public realm thereto.
- 8.39 Further details of the appearance of the property including samples of materials, any timber cladding patterns and location of signage should be secured by a planning condition

Impact on Heritage Assets

- 8.40 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.
- 8.41 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. Policy KL3 of the KLNP requires development proposals affecting heritage assets to conserve and where possible enhance the significance and setting of the asset.
- 8.42 The application site is located on the opposite side of the road to the grade II listed, Eagle Public House. Although hard standing on the application site, has historically been utilised by the pub for car parking, it has no historical connection with the pub and does not form part of its historic curtilage. The proposed building, given its scale and juxtaposition to the public house, and use of the site is likely to have a negligible impact on the historic setting,

character and appearance of this building in accordance with the NPPF, Policy CS27 of the Core Strategy and Policy KL3 of the KLNP. It is of particular note that the building would be located below the level of the Hempstead Road given the topography of the site and amendments thereto and in this context would have little impact on protected neighbourhood view under Policy KL15 of the KLNP.

Residential Amenity

- 8.43 The proposed development is not considered to be detrimental to the residential amenities of nearby properties given its siting and design in accordance with Policy CS12 and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.44 The proposed building would be located on the opposite side of Hempstead Road to nearby residential properties and a significant distance from the front elevations to these properties. The proposed development will not therefore cause harm to the amenity of neighbouring residents by virtue of any loss of privacy, general disturbance or noise. The provision of landscaping includes the planting of a mature native hedge and a number of semi-mature species of tree to western boundary of the site and separation distances between residents and the hub building should preserve privacy of neighbours..
- 8.45 The EV charging stations themselves are understood, from previous assessment submitted in support of an EV facility, to generate limited noise and this is unlikely to be perceived against the background noise of the A4251 (Hempstead Road) and the mainline railway. In the absence of a noise assessment in respect of this small proposed EV facility it is considered to be appropriate to condition a further assessment of noise and potential mitigation measures via a planning condition.

Access and Parking

- 8.46 The application is accompanied by a Transport Assessment by Aval Consulting Group providing a full assessment of highways and parking considerations. The content of this document has been reviewed by Hertfordshire County Council as highway authority and their comments are included in the representations at Appendix A of this report.
- 8.47 The highway authority raise no fundamental objections to the proposed development and its impact on the surrounding highway network, which they consider to be acceptable under Policies CS8 and CS12 of the Core Strategy, Saved Policies 51 and 54 of the Local Plan and Car Parking Standards SPD (2020)
- 8.48 The proposals would utilise existing vehicle accesses from the highway to the petrol filling station with improvements being undertaken to the southern crossover to allow direct access to the EV Charging Facility. The submitted Transport Assessment identifies that the visibility from these access points is considered to be sufficient to provide safe access and egress to the site including access for service vehicles in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020) and as such there would be no fundamental concern with regards to highways safety. Vehicle tracking diagrams within this document demonstrate acceptable arrangements for larger vehicles. Appropriate signage and markings will need to be provided to ensure that there are limited opportunities for vehicle conflict between users of the petrol filling station and users of the EV Charging facilities as set out in the highway authority response.
- 8.49 There is no set standard for off-street parking associated with the development of an EV Charging facility within the Car Parking Standards SPD (2020) given the nature of the proposals and limited information on trip generation associated with these uses. The traffic generated by the scheme is considered to be limited using comparable TRICS data from

roadside facilities and café and as such the vehicle movements associated with the scheme are not considered to generate significant traffic and congestion.

- 8.50 The provision of 28 EV spaces and 10 E-Cycle chargers at the application premises is considered to be sufficient for a retail/café use in this location, particularly given the primary purpose of the site is to provide EV charging spaces for which the café/retail would be incidental and considering the parking standards for other similar uses of land. A potential four parking spaces are also indicated on the site layout plan for staff parking.
- 8.51 It is considered that the use of parking facilities associated with the EV Charging Station and the hub should be restricted to use by Electric Vehicles or staff vehicles to ensure that the building does not become a destination in its own right and that the function of the premises remains incidental to its use of the site for the charging of vehicles.

Other Material Planning Considerations

Contamination

- 8.52 Given the planning history of the site and nature of end user, the Council's scientific officer does not require the submission of further information or surveys in respect of ground contamination nor the submission of a remediation strategy at this stage. Should contaminative material be encountered during construction then development should cease and advice sought in respect of this matter.

Drainage

- 8.53 A drainage strategy for the site has been submitted by Patrick Parsons on behalf of the Park Garage Group Plc dated November 2023. The site is not at risk of flooding and is not of such scale which might risk the flooding of neighbouring land.
- 8.54 The Drainage strategy sets out that surface water drainage at the site will follow the Sustainable Drainage Systems (SuDS) management train discharging into the ground via infiltration. Permeable paving will be utilised for hard surfaced areas around the building and on individual parking bays within the scheme. A Detention basin will be provided to the south of the property with the intention for this to discharge to a deep borehole soakaway. Foul water will discharge to the existing public sewer at a controlled rate. This is considered to be a satisfactory approach to the drainage of the site.

Retail Impact

- 8.55 The proposed Hub building will contain an element of retail provision alongside the café and lounge areas. The retail element to the proposals is limited, inherently site specific and ancillary to the wider functions of the site. The proposals are not considered to be a retail destination in its own right and as such it is not considered necessary to undertake a specific retail impact assessment and apply sequential provisions therein. The scale of activity would not be detrimental to the retail functions of the town centre of Hemel Hempstead or the village of Kings Langley.

Sustainability

- 8.56 Sustainable building design and construction is an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. All new development is expected to comply with the highest standards of sustainable design and construction in accordance with Policies CS29, CS31 and CS32 of the Core Strategy.

- 8.57 The application is accompanied by an Energy and Sustainability Statement by Aval Consulting Group dated November 2023. This statement indicates that the hub building is designed to be energy efficient with good levels of natural daylight and ventilation provided to the public areas within the building. Renewable energy sources are utilised to offset the demand for the development in line with Policies CS28 and CS29 of the Core Strategy.

Impact on Trees and Ecology

- 8.58 The site contains a number of standing trees including Ash, Sycamore and White Elm and these will be retained in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011.
- 8.59 A Preliminary Ecological Assessment (PEA) has been undertaken by Aval Consulting Ltd dated November 2023. The PEA indicates that the site comprises standing trees, improved grassland and ruderal scrub and hard standing and as such would be classified as having a low ecological value. The habitat is considered to generally have a low potential to support protected species and none were present in surveys of the site. However, development should still be undertaken carefully at the site having regard to the requirements under the Conservation of Habitat and Species Regulations 2017, The Wildlife and Countryside Act 1981 and The Countryside and Rights of Way Act 2000 etc. Any vegetation to be removed from the site should be closely inspected to ensure that it is free from protected species particularly if it is to be removed during the relevant breeding season. Accordingly, there would be no objections to the proposals under Policies cS12, CS25, CS26 and CS29 of the Core Strategy.

Biodiversity Net Gain

- 8.60 Policy KL10 of the KLNP provided a requirement for a 10% Biodiversity Net Gain before this was embedded in national planning policy. A Biodiversity Net Gain Assessment has been submitted with this application dated November 2023. This report identifies an increase in the biodiversity value of the site of some 32.13% as a result of the development including native hedge planting, shrub beds, native shrubs, amenity grassland, tree planting, the provision of a pond and wildflower meadow.
- 8.61 The biodiversity net gain associated with the development is acceptable and meets the requirements of national and local planning policy. Accordingly there would be no objection to the development on this basis.

Chiltern Beechwood Special Area of Conservation (SAC)

- 8.62 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Regulation 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CBSAC from harm, including increased recreational pressures. The proposed development given its nature would not increase recreational pressure at the CBSAC and as such there would be no conflict with Policy CS26 in relation to this matter.

Conclusion

- 8.63 Although the proposals would comprise inappropriate development in the Green Belt and result in a loss of openness thereto, the benefits associated with the establishment of an EV Charging Station and hub in this location would clearly outweigh the limited harm to the character, appearance and openness of the Green Belt. No additional harm resulting from

the proposals has been identified. For these reasons, it is found that there are very special circumstances and that these very special circumstances would justify the approval of these proposals.

9. RECOMMENDATION.

9.1 That planning permission be **GRANTED** subject to the conditions below:

Conditions:

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

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

**E001 Issue 0 (Site Location Plan)
P100 Issue 2 (Proposed Site Layout)
P101 Issue 1 (Proposed Landscaping)
P200 Issue 2 (Floor Plans)
P400 Issue 0 (Proposed Sections)
P450 Issue 2 (Elevations)**

**Biodiversity Net Gain Assessment by Aval Consulting Group dated November 2023
Design and Access Statement by Paper Architecture
Drainage Strategy by Patrick Parsons dated November 2023
Energy and Sustainability Statement by Aval Consulting Group dated November 2023
Planning Statement by simplyplanning dated November 2023
Preliminary Ecology Appraisal Revision C by Aval Consulting Group dated November 2023
Transport Assessment by Aval Consulting Group dated November 2023**

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

- 3. No development of the superstructure shall take place until full details and samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. These details shall include details of any variation to the spacing and arrangement of cladding upon the principle elevations of the building hereby approved. The development shall be carried out in accordance with the approved details.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

- 4. No development shall take place, until full details of hard and soft landscaping works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- details of the location and nature of tree any tree protection measures,

- all external hard surfaces within the site,
- all means of enclosure to the site,
- soft landscaping works including a planting scheme with the number, size, species and position of trees, plants and shrubs,
- cross sectional details and planting plans or the proposed pond,
- minor artefacts and structures and
- a detailed landscape and ecological maintenance and management plan.

All planting shall be completed within one planting season of the first use of the development.

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

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

- 5. The development, hereby permitted, shall not be brought into use until a lighting strategy including lux diagrams showing the extent of coverage of external lighting shall be submitted to and approved in writing. The building shall only be illuminated in accordance with the approved lighting strategy.**

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

- 6. No development shall take place, until full details of the Electric Vehicle chargers have been submitted to and approved in writing by the local planning authority. These technical specifications shall provide for the rapid charging of Electric Vehicles. The charging infrastructure shall be provided fully in accordance with the approved details and shall thereafter be permanently maintained.**

Reason: To ensure construction of a satisfactory development in accordance with Policies CS8, CS12 and CS29 of the Core Strategy.

- 7. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

 - a) Clarification as to how vehicles entering the EV site would safely enter from the Hempstead Road without interfering with any vehicles exiting the existing petrol station site and**
 - b) measures given to giving priority to vehicles entering the EV site to prevent vehicles potentially waiting and causing an obstruction on the highway, whilst another vehicle exits the petrol station site.**
 - c) signage and associated highway markings.****

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).

- 8. The proposed access shall not be used until such time as the measures approved in accordance with condition 7 have been provided fully in accordance with the approved details. Prior to the first use of the development hereby permitted the**

proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

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).

9. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases (excluding demolition) of the development. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:

- **construction vehicle numbers, type and routing;**
- **traffic management requirements;**
- **construction and storage compounds (including areas designated for car parking);**
- **siting and details of wheel washing facilities;**
- **cleaning of site entrances, site tracks and the adjacent public highway;**
- **timing of construction activities (to avoid school pick up/drop off times);**
- **provision of sufficient on-site parking prior to commencement of construction activities;**
- **post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- **construction or demolition hours of operation; and**
- **dust and noise control measures.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework

10 The development hereby approved shall be carried out in accordance with the Energy and Sustainability Statement by Aval Consulting Group dated November 2023 unless otherwise agreed in writing with the Local Planning Authority.

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

11 The development hereby approved shall not be occupied until the measures identified for the drainage of foul and surface water have been provided in accordance with the details in the Drainage Strategy by Patrick Parsons dated November 2023.

Reason: To ensure that appropriate provision for drainage of the site in accordance with Policies CS31 and CS32 of the Core Strategy.

12. The development hereby permitted shall not be brought into use until a Parking Plan, showing the location of parking spaces for employees, has been submitted and approved by the Local Planning Authority. Employee vehicles shall thereafter only park in the approved employee parking spaces. The remaining parking spaces shall only be occupied by Electric Vehicles.

Reason: This development is inappropriate development and has only been granted due to the very special circumstance of providing electric vehicle charging points and associated linked facilities. As such this condition is required to ensure that the use of the associated hub remains ancillary to the use of the charging facilities hereby permitted in the interests of the openness and visual amenity of the Green Belt in accordance with the NPPF and Policy CS5 of the Core Strategy.

- 13. Should any ground contamination be suspected or encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved. Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved**

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

INFORMATIVE

Planning permission has been granted for this proposal. The applicants have provided amendments to the planning submission in accordance with officer advice and this has resulted in an acceptable form of development. The Council has therefore acted pro-actively in line with the requirements of the Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Birds

All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

Contamination

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is

encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

Environmental Health

Invasive and Injurious Weeds – Informative

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

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Highways

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

Agreement with Highway Authority:

The applicant is advised that in order to comply with any planning 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>

Protected Species

It is an offence to take or disturb the breeding or resting location of protected species, which include: all Bats, Badger, Otter, Hazel dormouse, Water vole, Reptiles (Common lizard, Slow-worm, Grass snake), Great crested newt, wild birds and Roman snail. Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from Natural England: 0300 060 3900 or a suitably qualified ecological consultant.

Rail Infrastructure

BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

No works should take place until Network Rail are involved and approve works. Future works please use the Link to ASPRO ACE Portal for all new enquiries ASPRO Network Rail Implementation (oraclecloud.com)

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

APPENDIX A: CONSULTEE RESPONSES⁵

Consultee	Comments
Kings Langley Parish Council	<p>Kings Langley Parish Council objects to this planning application, as it would represent inappropriate development in the Green Belt.</p> <p>The proposal includes a large building which would be prominent in the landscape and materially harm the openness of the Green Belt.</p> <p>Moreover, the sustainability benefit does not outweigh the harm to the Green Belt separating Hemel Hempstead & Kings Langley, when irrespective of ownership, there is an adjacent existing petrol station that could be converted to an EV charging station, and EV charging facilities are already being provided in the local area, e.g. at Sainsburys Apsley Mills.</p>
Hertfordshire County Council – Growth and Infrastructure	<p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone. 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.</p>

⁵These comments are made in relation to the original submitted plans unless stated.

<p>Hertfordshire County Council – Highways Section.</p>	<p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:</p> <p>a. Clarification as to how vehicles entering the EV site would safely enter from the Hempstead Road without interfering with any vehicles exiting the existing petrol station site. Consideration should be given to giving priority to vehicles entering the EV site to prevent vehicles potentially waiting and causing an obstruction on the highway, whilst another vehicle exits the petrol station site.</p> <p>Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018).</p> <p>2. Provision of Internal Access Roads, Parking & Servicing Areas</p> <p>Prior to the first use of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.</p> <p>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).</p> <p>3. Construction Management</p> <p>No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:</p> <p>a. Construction vehicle numbers, type, routing;</p> <p>b. Any traffic management requirements;</p> <p>c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);</p> <p>d. Siting and details of wheel washing facilities;</p> <p>e. Cleaning of site entrances, site tracks and the adjacent public highway;</p> <p>f. Timing of construction activities to avoid school pick up/drop off times;</p> <p>g. Provision of sufficient on-site parking prior to commencement of construction activities;</p> <p>h. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including</p>
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extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Comments / Analysis

The proposals comprise of the construction of an electric vehicle charging (EVC) hub facility with accompanying café and lounge space on land at Hempstead Road, Kings Langley. Hempstead Road is designated as a classified A main distributor road, subject to a speed limit of 30 to 40mph (the speed limit changes adjacent to the site) and is highway maintainable at public expense.

A Transport Assessment (TA) has been submitted as part of the application.

Access

The application site is accessed via Hempstead Road. There is existing pedestrian footway on either side of the road. The proposals utilise existing vehicle accesses from the highway rather than a new vehicle access, which is in accordance with LTP4 Policy 5f, which states that HCC as HA will "Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals". The proposed site layout and access are shown on submitted drawing number P100 01.

The proposed EVC Hub would utilize the access arrangement for the petrol station, which is located adjacent to the proposed EVC Hub.

Following consideration of the location and details of the accesses to be utilised, HCC as Highway Authority considers that the levels of available vehicular to vehicular visibility as illustrated on drawing number AVA/92687/0000/001 in either direction along Hempstead Road are acceptable and in accordance with Roads in Hertfordshire: Highway Design Guide and Manual for Streets.

HCC as Highways would recommend that consideration be made to the fact that if any parts of the internal access roads act as a shared access for vehicles, cyclists and pedestrians, appropriate lighting and surfaces would be recommended to reflect this (please refer to section 7.2.15 of Manual for Streets).

Swept path analysis / tracking plans have been submitted to illustrate that a refuse vehicle, box van and large would be able to use the proposed site layout, turn around and egress to the highway in forward gear. Clarification and details would be required as to how vehicles entering the EV site would safely enter from the Hempstead Road without interfering with any vehicles exiting the existing petrol station site. Consideration should be given to giving priority to

vehicles entering the EV site to prevent vehicles potentially waiting and causing an obstruction on the highway, whilst another vehicle exits the petrol station site.

HCC as Highway Authority has not identified any specific issues in relation to access for emergency vehicles. Nevertheless following consideration of the size / nature of the development, details of the proposals have been passed to Herts Fire & Rescue for attention and for any comments, recommendations or objections which they may have.

Level of Parking

The proposal includes the provision of 28 car parking spaces for the EVC hub in addition to 4 employee parking spaces and 10 EVC cycle spaces, which HCC as Highway Authority would be supportive of. DBC is the parking and planning authority for the district and therefore ultimately would need to be satisfied with the overall level of parking.

Trip Generation & Distribution

A trip generation assessment for the proposed use has been included as part of the TA (section 5), the details of which have been based on trip rate information from the TRICS database.

Following consideration of the nature of the development and the points raised in the TA as to the unique type of development, this overall approach is considered to be acceptable by HCC as Highway Authority. The number of vehicular trips associated with the proposed combined EVC hub / cafe are estimated to be 8 two-way vehicle movements in the AM peak (0800-0900) and 12 two-way vehicle movements in the PM peak (1700-1800). Following assessment of these details, the impact on the operation of the surrounding highway network from the trip generation perspective would be considered to be acceptable and not a severe or significant enough reason to recommend refusal from a highways perspective

Sustainable travel options

The application site is located on the northern edge of Kings Langley, with the remainder of the settlement of Kings Langley to the south and Aplesey to the north. The nearest bus stops and available bus services to the site are located on Hempstead Road, approximately 200m to 300m from the site and therefore within the normally recommended accessibility criteria of 400m. The nearest railway station is Aplesey Railway Station, which is located approximately 1km north of the site and therefore within an easy cycling distance and acceptable walking distance for some.

Drainage Strategy

A drainage strategy has been submitted as part of the application. HCC as the Lead Local Flood Authority would need to be consulted on the proposed drainage strategy at:

	<p>FRMconsultations@hertfordshire.gov.uk</p> <p>Conclusion</p> <p>HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. However further details would need to be submitted in relation to the internal layout of the site in respect to priority to vehicles to prevent any potential conflicts between vehicles using the new EV hub site and vehicles exiting the petrol station site. Therefore HCC would not wish to object to the proposals, subject to the inclusion of the above planning conditions and request for additional details.</p>
<p>Urban Design Officer</p>	<p>ORIGINAL COMMENTS</p> <p>General:</p> <ul style="list-style-type: none"> - More details / clarification is required regarding the proposed wild flower meadow in the southern portion of the site [would this be accessible, does it form part of this application?]; - There appears to be a slightly level change across the site, dropping towards the railway. - We request an extended section through the site, the proposed building, Hempstead Road and the Railway to understand the proposed levels. <p>Design and layout:</p> <p>The chosen material palette is appreciated. It is evident that the proposed materials are of a high-quality and responsive to local vernacular. The proposed landscaping strategy represent high-quality design that has be carefully considered and is a welcomed approach.</p> <p>It is also appreciated that the design has drawn inspiration from the local farmstead character. However, the DAS describes how the spaces around the building a design to create farm courtyard, the definition of which is an area partly or completely surrounded by one or more buildings. At present the linear design of the built form does not represent the desired farm courtyard.</p> <p>We would also question if the proposed building is of a suitable size and scale in relation to the proposed use and provision of car parking spaces?</p> <p>Could the built form be rearranged to screen some of the parking from the road?</p> <p>In addition, by rearranging the built form there is the opportunity to better integrate the build element around the substation and eBike charging station, which currently does not sit well within the</p>

	<p>development and is considered to be in a prominent location within the scheme.</p> <p>WORKSHOP SUMMARY</p> <p>Following a recent design workshop on 5 March 2024 a number of the initial comments were discussed. It was surmised that the building required significant reduction, requested wider sections to understand the proposals siting in the topography and the overall massing to be condensed.</p> <p>The applicants agreed to produce further sections, and visuals and work to reduce the overall mass and footprint of the building.</p>
Environmental Health	<p>Having reviewed the planning application and considered the information held by the Environmental and Community Protection (ECP) Team in relation to the application site I am able to confirm that there is no objection to the proposed development.</p> <p>Furthermore, on the basis that the application is for a commercial land use on a site with a limited development history it is only considered necessary to recommend the inclusion of the following planning condition. This reflects the proximity of the site to a petrol filling station and the fact that considerable ground works will be expected in the event that permission is granted.</p> <p><u>Contaminated Land - Discovery Condition:</u></p> <p>Should any ground contamination be suspected or encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p><u>Informative: Identifying Potentially Contaminated Material</u></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:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

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 and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.

Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

	<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>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>
British Pipeline Association	No objection
Canal and River Trust	<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>Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following general advice:</p> <p>The Trust encourage the use of our waterways and towpaths for leisure, recreation, and sporting activities as part of the natural health service, acting as blue gyms and supporting physical and healthy outdoor activity. The site is within close proximity to the canal corridor and the existing access to the canal towpath at Nash Mills Lane, which provides a free public resource for walking and cycling and provides access to green infrastructure, both of which can benefit the wellbeing of future employees.</p> <p>The identification and use of the towpath and waterspace network as a route for sustainable travel, leisure & recreation, health & wellbeing could be promoted to the future employees of the new development. We suggest that any travel plans and onsite signage could include references to the towpath routes and the access at Nash Mills Lane.</p>

	<p>Wayfinding and signage are critical to users of sustainable travel networks, and necessary in order that their use is maximised and information available to identify route options, destinations etc and the ease of reaching them other than via the private car is beneficial.</p>
<p>Hertfordshire Constabulary</p>	<p>Unfortunately I can see no mention of crime prevention or security in the Design and Access Statement or other documents provided. I assume that the EV Charging Station would meet the required government standards however what security measures have been considered for the café.</p>
<p>Chiltern Society</p>	<p>I note that this has previously been refused as it is an inappropriate development within the Green belt. The site is unquestionably green belt but it is an infill site with the Hempstead road to the front, West Coast mainline railway all along the rear and a Petrol Fuel station on one side. There is one open field on the other side (marked as blue) which infills between the proposed site and Kings Langley football stadium. The site is also in close proximity to M25 junction 20.</p> <p>Surely we should be supporting schemes such as this? This provides 28 rapid charging points plus an electric bike hub charger. There may be justifiable technical reasons to refuse permission but I think this is one example where Green Belt could be surrendered without any serious impact.</p>
<p>Network Rail</p>	<p>Network Rail is submitting some initial comments on the above proposal. Network Rail reserves the right to amend, update, withdraw or even object to proposals if fresh information comes to light.</p> <p>Please note that whilst Network Rail (NR) is submitting responses via the planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary. The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure & the applicant would be liable for any and all damages & costs caused by any works undertaken in this scenario. Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.</p> <p>BAPA (Basic Asset Protection Agreement)</p> <p>As the proposal includes works which could impact the existing</p>

operational railway and in order to facilitate the above, a **BAPA** (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

All new enquiries will need to be submitted via the ***Asset Protection and Optimisation - Customer Portal***

Link to ASPRO ACE Portal [ASPRO Network Rail Implementation \(oraclecloud.com\)](https://oraclecloud.com)

From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside party.

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Electro-Magnetic

Details of proposed battery charging locations to be submitted to Network Rail for acceptance due to risk of electro-magnetic interference with Signalling equipment.

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and **requests** conditions to protect the railway and its boundary.

Obligations

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

RAMS

The developer is to submit directly to Network Rail asset protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be reassured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

Fencing

The applicant will provide at their own expense (if not already in place):

- A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.
- The fence must be wholly constructed and maintained within the applicant's land ownership footprint.
- All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary.
- The fence is **REQUIRED** be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments.
- Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way.
- Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land.
- Proposal fencing must not be placed on the boundary with the railway.
- Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.
- The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

It would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by outside party development adjacent to the railway.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of

mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by Network Rail prior to implementation.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
- Buildings, windows and structures must not over-sail Network Rail air-space/boundary.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Rainwater goods must not discharge towards or over the railway boundary
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Lighting

To ensure the ongoing safety of the operational railway the applicant's lighting design must demonstrate no overspill of light onto Network Rail land.

Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded

that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment and infrastructure
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, must remain open and unblocked (24/7, 365 – around the clock) both during construction works and as a permanent arrangement.

The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land.

The applicant is reminded that each Network Rail has a specific right of way and as such any developer is requested to contact the Network Rail Property Services Team to discuss the impact of the proposal upon our access.

Drainage proposals and Network Rail land

The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- All surface waters and foul waters must drain away from the direction of the railway boundary.
- Soakaways for the proposal must be placed at least 30m from the railway boundary.
- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.
- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway – any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.
- The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.

- . Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.
- . Consideration of the impacts upon railway drainage of Astro-Turf/plastic lawn replacements, both during construction and any future inclusion of said Astro-turf by residents going forward.

NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed '*elsewhere*', i.e. on to Network Rail land.

The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

The Council must ensure that suitable arrangements are in place for the maintenance and renewal of all new/amended drainage for the life time of the development, to mitigate risk of flooding to any adjoining land.

Excavation and Earthworks and Network Rail land:

The applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the

support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- Alterations to ground levels
- De-watering works
- Ground stabilisation works
- Works to retaining walls
- Construction and temporary works
- Maintenance of retaining walls
- Ground investigation works must not be undertaken unless agreed with Network Rail.
- Confirmation of retaining wall works (either Network Rail and/or the applicant). Prior to the commencement of works on site the applicant must confirm with Network Rail if there are any retaining walls/structures and the applicant must interface with Network Rail to ensure that no retaining structures are impacted on a permanent basis by their proposal.
- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to re view and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

Boundary treatments

Any structures on the applicant's land which runs seamlessly into a section of Network Rail infrastructure will require Network Rail agreement/comments and interface/supervision to ensure that there is no impact to or increase in risk to Network Rail assets.

3m Gap

Network Rail **REQUIRES** that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the

	<p>applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments. No part of the structure should over-sail the railway boundary or discharge rainwater goods onto or toward the railway boundary.</p> <p>Parking / Hard Standing Area</p> <p>As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:</p> <ul style="list-style-type: none"> <input type="checkbox"/> hard standing areas <input type="checkbox"/> turning circles <input type="checkbox"/> roads, public highways to facilitate access and egress from developments <p>Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).</p> <p>This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.</p>
Affinity Water	We have no comments to make on this proposal.
Thames Water	<p>WASTE:</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy</p>

	<p>Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>WATER:</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
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APPENDIX B – NEIGHBOUR RESPONSES

Address	Comments
Supporting Comments	
119 Hempstead Road	I am supporting this scheme which would provide 28 rapid charging points plus an electric bike hub charger. The retail unit will create jobs in Kings Langley and provide local employment opportunities in the area.
Objections	
75 Hempstead Road	The proposed development would comprise inappropriate development within the Green Belt and would result in harm to the open character and appearance thereto. This harm is not clearly outweighed by the economic and social benefits put forward as very special circumstances in this case. The applicants have not adequately demonstrated that there are not alternative locations for the development outside of the Green Belt. For these reasons the proposals would be contrary to paragraphs 149 and 150 of the National Planning Policy Framework and Policy CS5 of the Dacorum Borough Core Strategy.