

**ITEM NUMBER: 5a**

<b>23/01783/MFA</b>	<b>Phase One: Seven light industrial warehouse units and new open storage use; continued use of open brick storage use for unfettered open storage use (Sui Generis - Builders Merchants Use); new vehicular access from Leyhill Road; associated access roads; service yards; and car parking. Diversion of public footpath; landscaping; fencing and resurfacing</b>	
<b>Site Address:</b>	<b>Bovingdon Brickworks Ltd, Leyhill Road, Bovingdon, Hemel Hempstead, Hertfordshire, HP3 0NW</b>	
<b>Applicant/Agent:</b>	<b>Mr Mark Leinster</b>	<b>Mr Simon Milliken</b>
<b>Case Officer:</b>	<b>Martin Stickleley</b>	
<b>Parish/Ward:</b>	<b>Bovingdon Parish Council</b>	<b>Bovingdon/Flauden/Chipperfield</b>
<b>Referral to Committee:</b>	<b>The application is a 'large scale major development' (i.e. the site area is over 2 hectares) and there is a proposed s.106 agreement</b>	

**1. RECOMMENDATION**

- 1.1 That planning permission be DELEGATED with a view to APPROVAL subject to the completion of a Section 106 ("S106") legal agreement securing the highways improvements, travel plan and biodiversity net gain; and subject to the response from the Secretary of State regarding the Section 77 Direction consultation.

**2. SUMMARY**

- 2.1 The following report into the proposed redevelopment of 'Bovingdon Brickworks' summarises the proposed scheme and assesses it against local and national planning policy guidance and recommendations. It concludes with an overall 'planning balance' following the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 2.2 The site is currently acknowledged as a Major Developed Site ("MDS") in the Green Belt. The site is being brought forward in the emerging policy with an expanded employment area. Due to the need to remove the former brickwork buildings for safety purposes, the proposals would result in increased visual and spatial impacts on the openness of the Green Belt and are thus considered to have a 'greater impact' on openness. Therefore, a case for 'very special circumstances' has been advanced.
- 2.3 The planning balance concludes that, in this instance, the potential harm to the Green Belt and any other harm resulting from the proposal is clearly outweighed by other considerations.

**3. SITE DESCRIPTION**

- 3.1 The application site (the "site") is located on the south-eastern side of Leyhill Road, approximately one kilometre to the south-west of Bovingdon Village. The site is roughly 6.5km to the south-west of Hemel Hempstead and 5km to the north-east of Chesham. The B4505 provides access to the A41 and M25 from the Site.
- 3.2 The application site formerly comprised buildings associated with Bovingdon Brickworks (Class B2: General Industrial) use that involved the production and storage of bricks on the site. The Brickworks was established on the site in the 1920-30s and benefitted from localised, good quality clay deposits. However, the site ceased production in 2016 due to the viability and declining quality of the clay deposits. The brickwork buildings were demolished

in October 2022, following a 'demolition prior approval' application under Schedule 2, Part 11 of the Town and Country (General Permitted Development) Order 2015 (as amended).

- 3.3 E H Smith (the "Applicant") is the freeholder of the 2.6 hectare former Bovingdon Brickworks site, which is located within the northern part of the overall 7.68 hectare Site. The brickworks site adjoins their builders' merchants use to the west, which is roughly 1.85 hectares. There are also existing areas of open storage in the western and southern parts of the site. The supporting documentation notes that the merchants use was established on the back of the diminishing brickworks business. It also highlights that the Applicant wishes to retain the employment development as a long-term investment.
- 3.4 Part of the former Brickworks site comprises 'Pudds Cross Industrial Estate', situated to the north-east of the site. This area comprises a small number of industrial and commercial uses. South of Pudds Cross, lies Loveday Aggregates used for the open storage of aggregates. It is worth noting that a large part of the brickworks site; the whole of the builders merchants site; and all of Pudds Cross Industrial Estate is considered a 'Major Development Site' within the Green Belt. The Chilterns Area of Outstanding Natural Beauty (AONB) is approximately one kilometre to the south-west.

#### **4. PROPOSAL**

- 4.1 Planning permission is sought for the redevelopment of a former Class B2 (general industrial) use to a flexible Class E(g)(iii) (light industrial) / Class B8 (storage and distribution) use (Units 1-7) and open storage use (Sui Generis builders merchants use). The works would comprise the following:
- The construction of seven warehouse units;
  - Resurfacing works within the existing open storage area;
  - Re-use of an open brick storage area for unrestricted open storage use;
  - Alterations to access points from Leyhill Road;
  - New internal access and car park works within the Builders Merchants site;
  - Diversion of public footpath 008; and
  - Hard and soft landscaping works.
- 4.2 The above comprises Phase 1 of the proposals for the site. The Proposed Site Plan (Drawing 5040-PL-102 L) illustrates the proposed works, including the warehousing units for Phase 1 in the northern part of the site and a new open storage area of circa 6,600sq.m to the south-east. It is envisioned that the proposed storage area would make way for 'Phase 2' in the future.
- 4.3 Phase 2 was submitted in tandem with this application with the planning reference 23/01784/MOA and comprises a further seven warehouse units (Units 8-14) for the same flexible use (i.e. Class E(g)(iii) and B8).
- 4.4 It is noted that there is some overlap between the documents submitted with the applications. For example, both Phases 1 and 2 rely on the same Sustainability and Economic Statements. The differences between the schemes will be highlighted throughout this report. However, in some areas the schemes will be discussed holistically.

#### **5. KEY PLANNING HISTORY**

Planning Applications:

20/00442/CON - Consultation - Application for a certificate of existing lawful use (CLEUD) open brick storage  
*Raise No Objection - 6th April 2020*

21/04622/FUL - Replacement of crushed brick surfacing with new Bitumen Road Planings  
*Granted - 21st February 2022*

22/02086/FUL - Replacement of crushed brick surfacing with new Bitumen Road Planings  
*Granted - 1st September 2022*

22/02477/DEM - Demolition of former Bovingdon Brickwork Buildings  
*Prior Approval Not Required - 2nd September 2022*

23/01784/MOA - Outline Planning Application - Some Matters Reserved (Phase 2) - For redevelopment of former Class B2: General Industrial Use to Flexible Class E (g) (iii): Light Industrial Use and Class B8: Storage & Distribution Use (Units 8 to 14)  
*Pending Consideration*

4/02819/15/CPA - Brick-clay extraction with land restoration primarily back to agricultural use, ancillary works to construct a road crossing over Shantock Hall Lane and a haul road into Bovingdon brickworks  
*Raise No Objection - 8th December 2015*

4/01725/09/ROC - Removal of condition 3 (offices shall only be utilised in connection with the existing brickwork business) of planning permission 4/00199/81 (office building)  
*Granted - 23rd December 2009*

4/00545/04/DRC - Details of office building as required by condition 4 of planning permission 4/01701/01 (haulage yard and office accommodation)  
*Granted - 30th April 2004*

4/00544/04/DRC - Details of landscaping as required by condition 5 of planning permission 4/01701/01 (haulage yard and office accommodation)  
*Granted - 12th May 2004*

4/01808/02/CMA - Re-cycling plant  
*Raise Objection - 13th November 2002*

4/01723/01/DRC - Details of materials and foundations and tree protection required by conditions 2, 6 and 8 of planning permission 4/02215/00 (new entrance gate, alterations to access, additional car parking, new welfare building and demolitions)  
*Granted - 6th November 2001*

4/01701/01/FUL - Haulage yard and office accommodation  
*Granted - 3rd December 2001*

4/02215/00/FUL - New entrance gate, alterations to access, additional car parking, new welfare building and demolitions  
*Granted - 21st March 2001*

4/01488/00/FUL - Formation of access and car park  
*Granted - 17th October 2000*

4/01087/00/CMA - Change of use to open brick storage area  
*Raise No Objection - 8th August 2000*

4/00121/98/CMA - Review of mineral planning permission (reference numbers 4/0363/48 & 4/0168/57) application for the determination of new conditions  
*Raise No Objection - 5th March 1998*

4/01843/97/FUL - Change of use to pallet storage  
*Granted - 18th June 1998*

4/01189/97/FUL - Replacement workshop  
*Granted - 23rd September 1997*

4/00912/95/RET - Continued use of land for storage of pallets (renewal)  
*Refused - 7th September 1995*

4/00762/94/RET - Retention of portable office building  
*Temporary - 11th August 1994*

4/00488/94/RET - Use of land for storage of pallets  
*Temporary - 11th July 1994*

4/00302/91/FUL - Continued use of land for storage & repair of pallets on permanent basis  
*Temporary - 25th April 1991*

4/00164/91/CMA - Use of land for open storage of minerals  
*Granted - 10th June 1991*

## **6. CONSTRAINTS**

Advert Control

CIL Zone: 2

Former Land Use (Risk Zone)

Green Belt

Heathrow Safeguarding Zone: LHR Wind Turbine

NATS Safeguarding Zone: Notifiable Development Height: > 15 Metres High

Parish: Bovingdon CP

RAF Halton and Chenies Zone: Red (10.7m)

Parking Standards: Zone 3

EA Source Protection Zone: 2 and 3

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (2023)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)  
Hertfordshire County Council Waste Core Strategy (2012)

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - Green Belt  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS12 - Quality of Site Design  
CS14 - Economic Development  
CS23 - Social Infrastructure  
CS24 - The Chilterns Area of Outstanding Natural Beauty  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Soil and Water Quality  
CS35 - Infrastructure and Developer Contributions

*Local Plan*

Policy 37 - Environmental Improvements  
Policy 51 - Development and Transport Impacts  
Policy 57 - Provision and Management of Parking  
Policy 79 - Footpath Network  
Policy 80 - Bridleway Network  
Policy 97 - Chilterns Area of Outstanding Natural Beauty  
Policy 99 - Preservation of Trees, Hedgerows and Woodlands  
Policy 100 - Tree and Woodland Planting  
Policy 101 - Tree and Woodland Management  
Policy 108 - High Quality Agricultural Land  
Policy 111 - Height of Buildings  
Policy 113 - Exterior Lighting  
Policy 119 - Development Affecting Listed Buildings  
Policy 129 - Storage and Recycling of Waste on Development Sites  
Appendix 1 - Sustainability Checklist  
Appendix 8 - Exterior Lighting

*Hertfordshire County Council Waste Core Strategy*

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

*Supplementary Planning Guidance/Documents (SPG/SPD) and Other Relevant Information*

Manual for Streets (2010)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Refuse Storage Guidance Note (2015)  
Sustainable Development Advice Note (2016)

The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning (2017)  
Chilterns Area of Outstanding Natural Beauty Management Plan (2019 – 2024)  
Natural Environment – Landscape (PPG) (July 2019)  
South West Herts Economic Study Update (2019)  
Car Parking Standards (2020)  
Dacorum Strategic Design Guide (2021)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)  
Dacorum Local Plan Revised Strategy for Growth (2020-2040) Consultation (2023)  
Place and Movement Planning and Design Guidance (2023)  
Bovingdon Neighbourhood Plan (2023)

## 9. CONSIDERATIONS

### Main Issues

9.1 The main issues to consider are:

- The policy and principle justification for the proposal;
- The impact on the Green Belt;
- The effect on the countryside and landscape impacts;
- Design quality and appearance;
- Sustainability and socio-economics;
- Impact on the road network, internal circulation/manoeuvrability and parking provision;
- Environmental implications;
- The impact on residential amenity;
- Other material planning considerations;
- Any other harm; and
- The case for very special circumstances.

### Principle of Development

#### *Development in the Green Belt – Current Policies*

- 9.2 Dacorum Borough Council (“DBC”) in-line with the National Planning Policy Framework (“NPPF”) (December 2023) has adopted an ‘open for business’ approach to new development in order to secure economic growth by proactively supporting sustainable economic development to deliver homes, business and infrastructure with particular emphasis on high quality design. The NPPF places significant weight on economic growth and productivity (see paragraph 85).
- 9.3 The application site is situated within the designated Green Belt. The Government attaches great importance to Green Belts with the key purpose of keeping land open. There is a presumption against the construction of new buildings. However, the redevelopment of previously developed land (“PDL”) is considered acceptable, provided that it would not have a greater impact on the openness of the Green Belt (paragraph 154 (g)).
- 9.4 Part of the site is also within an ‘MDS’ in the Green Belt (see Figure 1). Policy SA2 (Major Developed Sites in the Green Belt) of DBC’s Core Strategy (Site Allocations Written Statement 2017), states that proposals on MDS land shall be determined in accordance with Policy CS5. This policy establishes that within the Green Belt there are a number of MDS that largely pre-date the current planning system and Green Belt designation. The redevelopment or limited infilling of these sites is considered acceptable and should help to achieve economic, social and/or environmental gains. New development should not have a

significant impact on the character and appearance of the countryside and should not increase the impacts on the openness and function of the Green Belt.



Figure 1 - Extract from DBC's Site Allocations Map Book 2017 – MDS/5 Bovingdon Brickworks

9.5 The MDS area is also considered as an 'Employment Area in the Green Belt'. As such, Policy SA6 applies. This policy identifies that the expansion of floorspace or redevelopment will be permitted if it accords with the aforementioned policies i.e. CS5, SA2 and any other relevant policies and guidance.

9.6 The Bovingdon Neighbourhood Plan went to cabinet on 18 June 2024 and has now been formally adopted. Within this document, Bovingdon Brickworks and the adjoining employment uses are called the 'Pudds Cross Business Zone'. The extent of the business zone is the same as the Bovingdon Brickworks Gross External Area (GEA) in the emerging Local Plan (see next section).

9.7 Policy BOV EE3 (encouraging new employment) explains that:

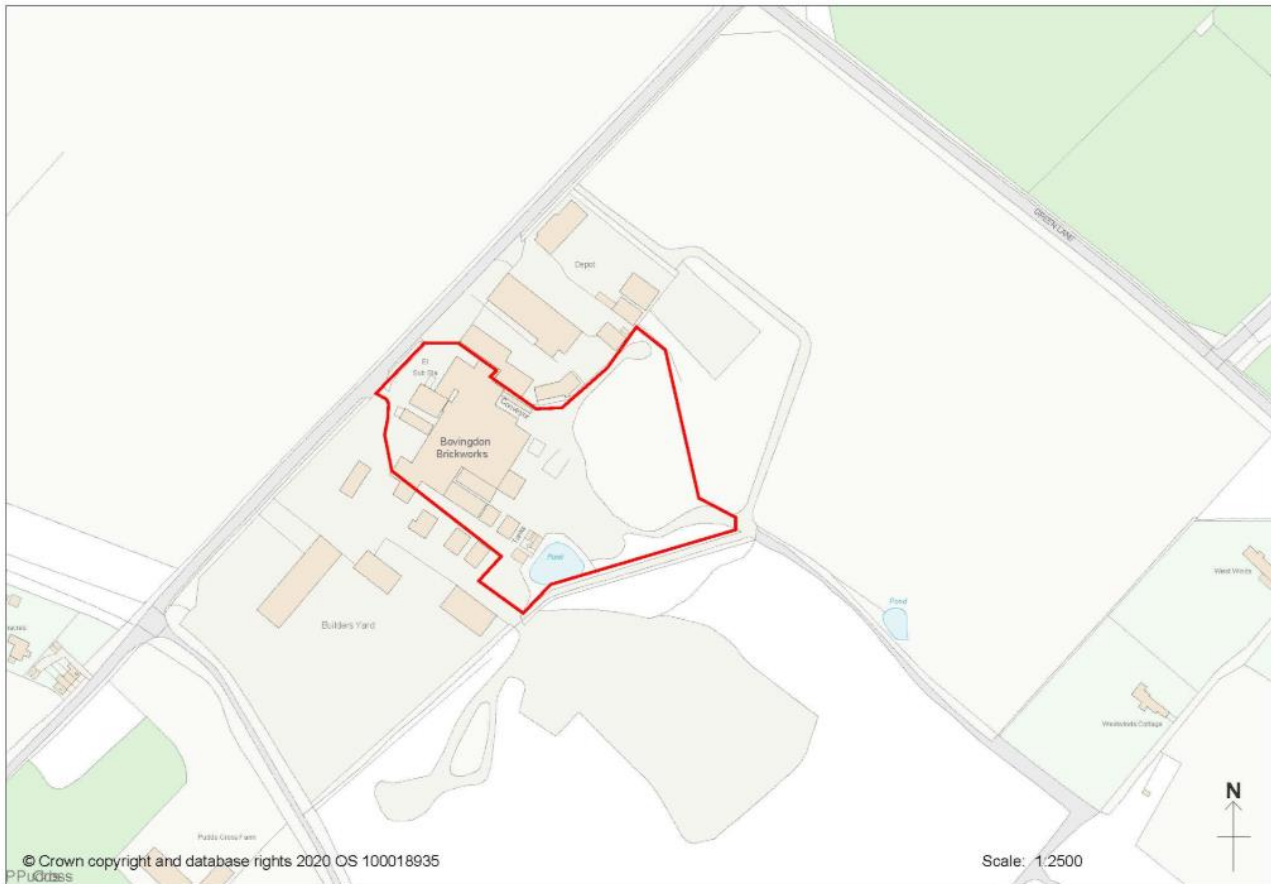
*'To meet local economic needs and help maintain and protect the Green Belt, development of brownfield land for employment use, redevelopment of existing employment sites, and expansion of the film industry and supporting businesses, will be favourably considered provided that:*

*i. Development is first considered in the two commercial and businesses zones as shown on the Policies Map, which still have available brownfield land and/or existing buildings for development...'*

#### *Development in the Green Belt – Emerging Policies*

9.8 The application site was allocated in DBC's emerging Local Plan (November 2020). The site is referenced as Growth Area Cy02 and identified for employment development for office, industrial and storage and distribution use. The allocation would provide 'around 8,000sq.m' of gross internal floorspace and that development should consist of 'smaller units under around 1,000sq.m including around 2,000sq.m provided in small units of less than circa 400sq.m'. A number of site specific requirements (e.g. urban design, highways, etc.) are also listed.

- 9.9 The allocation includes an area to the east of the Brickwork's buildings, outside of the area previously defined as the 'MDS' as per Figure 1. However, this area is considered to form part of the curtilage of the of the brickworks buildings and is also considered as 'previously developed land'.
- 9.10 Policy SP29 (Delivering Growth in the Countryside) identifies the site as an Employment Growth Area ("EGA") suitable for a 0.3 hectare increase in the established employment land (see Figure 2). This is reinforced by Policy SP11, which states that the council will support this expansion to achieve borough-wide objectives. Policy SP5 (Delivering the Employment Strategy) encourages new employment, specifically small and medium sized businesses, on EGAs such as this.



*Figure 2 – Extract from emerging Local Plan – Growth Area Cy02: Bovington Brickworks*

- 9.11 The NPPF, paragraph 48, identifies that local planning authorities ("LPAs") can give weight to relevant policies in emerging plans according to: (a) the stage of preparation; (b) the extent to which there are unresolved objections to the relevant policies; and (c) the degree of consistency with the NPPF.
- 9.12 The site allocation and policies relevant to the site have not changed in the latest Regulation 18 revision of the emerging Plan and although there are currently no unresolved objections to the proposals for the application site, it is considered that only limited weight can be afforded to the emerging site allocation (Cy02) and other emerging policies, namely Policies SP5, SP11, SP29 and DM16. The council is seeking to progress to Regulation 19 later this year (2024) and it is considered that further weight could be attributed to the policies at this time.



- 9.13 Turning to specific development management policies in the emerging Plan, Policy DM16 highlights that development and redevelopment within General Employment Areas (“GEA”) will be permitted for office, industrial and warehousing. Further, non-office and industrial uses will be permitted if they:
- (a) are similar in nature to the aforementioned uses;
  - (b) will not undermine the specific role of the GEA as an employment and economic centre; and
  - (c) provide important services and facilities that would enhance the attractiveness of the GEA as an economic centre.
- 9.14 Potential other uses are then also listed (see Policy DM16 for full details).
- 9.15 Table 19 of Policy DM16 states that new employment, outside of the EGA (as defined in Policy SP29 and Cy02), is also considered acceptable in principle and that within the site landscaping should be strengthened, if necessary, to ensure that new development is not visually intrusive when viewed from the nearby countryside.
- 9.16 DBC’s Strategic Planning Team have provided a helpful table, which compares the emerging Plan requirements with the proposals and offers some commentary (see Table 1). It should be noted that their commentary discusses both phases of development, not just this application.

	<b>Emerging Plan requirements</b>	<b>Proposed in applications</b>	<b>Strategic Planning’s Comments</b>
Land use	Office, industrial and storage or distribution use	Light industrial and storage and distribution uses	To help meet local needs, we would welcome inclusion of general industrial (B2) development
Floorspace	Around 8,000m <sup>2</sup>	8,664m <sup>2</sup>	Proposed floorspace exceeds Emerging Plan figure, but by only 8%. We have no objections
Unit size	Development should consist of units under around 1,000m <sup>2</sup> , including around 2,000m <sup>2</sup> in small units less than about 400m <sup>2</sup>	Two of the proposed units are over 1,000m <sup>2</sup> , but the largest (1,536m <sup>2</sup> ) is for EH Smith’s own use  Over 2,000m <sup>2</sup> is proposed in units under 400m <sup>2</sup>	Proposed unit sizes are acceptable

*Table 1 – Strategic Planning’s Comments (Emerging Allocation vs Proposals)*

- 9.17 Regarding the 664m<sup>2</sup> (8%) exceedance of floorspace, this was queried with the Applicant and during the course of the application and viability details were provided to the council. The council had this information independently verified and the conclusions noted, in terms of profits, that the viability surplus was ‘marginal’. It is therefore considered that the Applicant

has sufficiently justified why a modest increase in floorspace is necessary to the overall viability of the scheme.

#### *Historic and Interim Uses*

- 9.18 The land within the Applicant's ownership currently and historically comprised various uses, which are split into three main parts: The main Bovingdon Brickworks site, which comprised the old industrial buildings (e.g. kilns, brick-making buildings, etc.) identified as 'General Industrial' Use (Class B2); The lawful use of the south-eastern plot, which was established for the purposes of open brick storage, taking delivery, storage and dispatch of bricks (Class Sui Generis); and The south-western plot comprising a builders merchants and builders yard (Class Sui Generis). There is also an office building associated with this use to the north.
- 9.19 The proposed uses seem to align with the existing uses on the site and the wider MDS. As the Brickworks site was previously used for General Industry (B2), Strategic Planning originally requested the inclusion of B2 within the description. However, it was confirmed that the majority of industrial uses these days fall within the 'light industrial' category. Further, the Applicant could apply for a B2 use if future demand required it. Any application for B2 could include any physical changes required to the units (e.g. noise and dust installation, etc.).
- 9.20 Based on the information provided and discussions with Strategic Planning, it appears that the proposed uses would be acceptable. The proposals would allow the site to continue as, and enhance, the GEA.

#### *Considering the Previously Demolished Buildings*

- 9.21 As previously mentioned, the brickwork buildings were demolished in 2022. Prior to this, the Applicant engaged in pre-application discussions with the council to establish whether the former buildings would be taken into account in future planning applications, or whether it would prejudice the prospect of securing new floorspace on the site. The council acknowledged that the buildings were in a 'state of disrepair' and they had '*been worsened by Storm Eunice*'. It was also confirmed that they represented 'a health and safety' risk because of the 'asbestos present in many of the roofs'.
- 9.22 The pre-application report agreed that the buildings needed to be removed but noted that early demolition could impact the assessment and policy justification for a future planning application, if submitted before the formal allocation. However, it was concluded that if 'there is a need to remove the existing buildings due to health and safety concerns...the LPA would need to take a reasonable and in my opinion, flexible, approach towards future planning applications on the site'.

#### *Summary*

- 9.23 This application proposes commercial development on land previously occupied by the brickworks buildings and a new open storage area on the previously developed land to the rear. The Planning Statement by Braiser Freeth states that:
- The footprint of the brickwork buildings was c. 4,900m<sup>2</sup> with a total volume (based on the footprint and height of the main buildings) of c. 50,000m<sup>3</sup> (paragraph 51).
  - The proposed Phase 1 development has a footprint of 4,135m<sup>2</sup> and a floor area of 4,833m<sup>2</sup> (paragraph 52). It has also been confirmed that the volume of the buildings in Phase 1 are c. 40,000m<sup>3</sup>.

- Prior to the Phase 2 development, the applicants propose to use 0.85 hectares at the rear of the site for open storage use in association with their builders merchants operation or for independent open storage use (akin to builders merchants use) (paragraph 54).
- The former brickwork buildings were of dominant scale which could be seen across a wide area. The new development would be generally of lower height and massing, albeit spread across a larger part of the site area (paragraph 77, bullet 1).

9.24 The existing policy environment allows for redevelopment or limited infilling of the site. The Bovingdon Neighbourhood Plan and the emerging Plan reinforce the case for developing this site, although limited weight is given to the latter.

9.25 Due to the fact that the existing brickworks buildings have already been demolished, it is considered that the proposals would result in a 'greater impact' on the openness of the Green Belt when compared to what currently exists on the site. Therefore, it is considered that a case for 'very special circumstances' would be required to justify the development.

9.26 Paragraph 151 of the NPPF states that:

'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

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

#### The Impact on the Green Belt

9.28 The NPPF (Section 13) and Core Strategy (Policy CS5) highlight that, amongst other things, the openness and character of the Green Belt should be preserved. The fundamental aim of the Green Belt is to keep land permanently open. However, part of the site is included within the designated MDS, which allows for an exception to this overall aim subject to compliance with the relevant policies.

9.29 Paragraph 154 (g) explains that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) is acceptable, provided that it would not have a greater impact on the openness of the Green Belt than the existing development.

9.30 The Planning Statement highlights several key points in relation to the impact on openness, including:

- Scale, height and massing;
- The brickworks were a large, noisy, dirty industrial operation, which spread dust across a wide area including Bovingdon Village;
- The kilns illuminated the sky at night-time;
- Heavy Goods Vehicles ("HGV") carried clay from the clay extraction pits across Leyhill Road to the brickworks clay preparation area; and
- There was vehicular and pedestrian activity movements associated with other, non-developed parts of the brickworks site and clay pits.

- 9.31 The Planning Statement further notes that the proposed light industrial and storage and distribution uses would not give rise to local amenity issues such as the above. In addition, it states that there would be fewer vehicular and pedestrian movements and reduced light pollution. These points will be discussed further later, in the relevant highways and lighting sections. The Statement concludes that the proposals would not 'intensify' the use in the Green Belt and it would offer enhancements in terms of landscaping and tree planting, amongst other things.
- 9.32 It is agreed that the proposals would remove the unpleasant amenity issues that were associated with general industrial use, such as the former brickworks. The proposed environmental enhancements coupled with additional planning conditions (e.g. ecology, landscaping, lighting, etc.) would also benefit the area in terms of visual amenity by creating a well-planted, clean site. However, the fact that the former buildings have already been removed means that in terms of visual and spatial openness, the proposals would result in a site that is physically more built up, than currently exists, ultimately impacting openness.
- 9.33 In terms of openness, there are open views of the site from a number of vantage points in and around the site, which are discussed in more detail in the next section. From these viewpoints the proposals would significantly reduce openness when considering the existing site (currently devoid of the former brickworks buildings). It is therefore considered that there would be substantial harm to the visual and spatial openness of the Green Belt because of the proposed buildings.
- 9.34 The re-surfacing of the existing open brick storage area would have a negligible visual impact and a limited spatial impact on openness due its form i.e. built at surface level. However, the use of this area to stockpile materials would increase the level of harm to the openness of the Green Belt.
- 9.35 Regarding the Green Belt purposes, the site is viewed in the context of a previously developed site and is therefore not considered particularly sensitive or effective in safeguarding the countryside from encroachment. However, there would be some minor conflict with purpose 3 in this regard.
- 9.36 As previously mentioned, if the Applicant had not demolished the brickworks buildings, it is likely that this assessment would have concluded no greater impact on the openness of the Green Belt, as the Phase 1 proposals would have resulted in an overall reduction in built form. Similarly, if the emerging Local Plan was at a later stage, the proposals would have attracted additional policy support. Due to the above, the proposals are considered to require very special circumstances in justification.

#### The Effect on the Countryside and Landscape Impacts

- 9.37 The Dacorum Landscape Character Assessment (LCA) (May 2004) identifies the site and the whole of Bovingdon village as falling within Landscape Character Area 107: Bovingdon and Chipperfield Plateau. Bovingdon Brickworks is specifically noted as a distinctive feature within the landscape. The supporting text states: 'Historical and Cultural Influences. The Bovingdon brickfields have created a localized industrial landscape through a combination of clay extraction and the associated brickworks.'
- 9.38 The site also falls within the central section of National Character Area (NCA) 110: Chilterns, which comprises a wooded and farmed landscape underlain by chalk bedrock that runs from south-west to north-east.

- 9.39 Policy CS25 (Landscape Character) identifies that new development should conserve and enhance Dacorum's natural and historic landscape. Proposals will be assessed for their impact on landscape features to ensure they conserve or improve the prevailing landscape quality, character and condition and take full account of the LCA, Historic Landscape Characterisation and advice contained within the Hertfordshire Historic Environment Record.
- 9.40 The former buildings on the site, specifically the taller ones, were visible from a number of public vantage points. This includes views from Leyhill Road at the entrance to the site and from Shantock Hall Lane to the south. When looking south-west from Green Lane, the former taller buildings were apparent. It also appears that glimpsed views, primarily in times of leaf-fall, may be available from Footpath/Byway 006 (Bovingdon), when looking north-east.
- 9.41 Public Footpath 008 (Bovingdon) passes through the site and therefore the demolished buildings were prominent from this walking route. The footpath passes directly through the site, where the brickworks site borders the open storage yard. The existing uses, combined with the forklifts/HGVs that cross the footpath, have negative impacts on both visual amenity and pedestrian safety. As discussed later in this report, the proposals seek to reposition this footpath.
- 9.42 Wider distance views of the site and the former buildings were available, for example, when looking north-east from the neighbouring Boxmoor Trust land or looking west from Public Footpath 008. It appears that these views are more apparent during winter. Views are also possible from B4505 Chesham Road/Whelpley Hill when looking south-east.
- 9.43 A Landscape and Visual Appraisal (LVA) has been submitted in support of the application. It considers the likely visibility of the proposed development via a derived 'zone of visual influence' and the selection of 11 representative viewpoints agreed with the LPA. The LVA has undertaken an assessment of the effects on site features, landscape features, landscape character and visual receptors including residential properties. The assessment describes the effects and then compares them to 'winter year 1' and 'summer year 15'.
- 9.44 The main landscape feature effects at year one include the loss of some established trees to facilitate the improved access points and internal layout. These are deemed as localised major/moderate effects on the site vegetation. However, at year 15, the overall impact is considered moderate beneficial. The impact to the public right of way is considered moderate neutral at year one, also reducing to moderate beneficial by year 15.
- 9.45 Regarding the effects on landscape character, the LVA notes that 'at the national scale of the LCA there would be a negligible effect on NCA 110: Chilterns'. This is because the site is a very small part of the NCA and not typical of the local characteristics of the character area overall.
- 9.46 At district level, LCA 107: Bovingdon and Chipperfield Plateau would experience a moderate/minor adverse change at year one with the addition of medium scale industrial/commercial development and a loss of several established trees on a brownfield site. The proposed landscape enhancements would alter the nature of change to neutral and moderate/minor by year 15. At a local level (<200m) there would be a relatively increased magnitude of change at 'medium', although the sensitivity is reduced due to the brownfield character of the core area. The effects would be moderate adverse at year 1 due to the proposed built form and moderate neutral at year 15.
- 9.47 Turning to visual receptors, the site is reasonably well contained and therefore the most sensitive receptors are those closest to the site. The LVA has provided a number of viewpoints and wireframes at Appendix 5 and 7 give a visual representation of the proposals from the surrounding environs. The overall effects on neighbouring land uses and residential

properties were predicted as minor adverse and typically negligible due to existing screening in/around the site.

- 9.48 The proposals would be visible from roads but these would be limited in extent and duration. For example, there would be short, open views into the industrial estate but these would be set back beyond a new landscaped frontage, which includes new tree planting and understorey planting. There would be some impacts from rights of way and open land, albeit these are limited. The most open location is illustrated in Viewpoint 7 and its associated wireframe (see Appendix 7, VP7.3-7.4) where the upper part of Unit 5 would be visible. The effect from this section of the diverted route for c. 60 metres would be moderate adverse at year one and minor neutral at year 15, as the proposed planting establishes. Views along the rest of the diverted route are predicted to be minor to negligible with any glimpses of brick stacks or roofs in the distance being heavily filtered by vegetation.
- 9.49 Effects from the Boxmoor Trust open land to the east of the site are represented in Viewpoint 6 (see VP6.3-6.4). This illustrates a reduction from minor adverse to negligible neutral over 15 years. The remainder of the areas to the south and south-west have substantial screening. There would be no views of the proposed built form from Footpath 010 to the south or Byway 011/Footpath 006 due to the presence of established woodland and dense scrub.
- 9.50 A comprehensive Landscape Strategy has been provided (see Figure 08, Appendix 4 of the LVA). It includes the following key features:
- (a) Retention of the majority of the existing woodland, scrub and trees within the site;
  - (b) New trees, hedging and shrub planting to the Leyhill Road frontage;
  - (c) The removal of a group of over-mature and dying beech trees. New trees and a mixed native hedge are proposed to compensate;
  - (d) New trees, hedging, shrubs and grass areas within the proposed industrial estate;
  - (e) Areas of native shrubs to the eastern and southern boundary of Phase 2 including a re-profiled bund next to the boundary; and
  - (f) Planting of areas of native trees and shrubs to the wider site boundaries to the east and south.
- 9.51 The LVA notes that the proposals would be implemented and managed in accordance with a Landscape and Ecological Management Plan (LEMP), which would be secured via condition if the application is approved.
- 9.52 The findings of the LVA have been considered by the LPA and subject to the proposed landscaping strategy, LEMP and other conditions, no specific concerns are raised on landscape grounds. However, it is noted that there would be some harm arising from the proposals, particularly during construction and in the early years of operation (i.e. until the landscaping fully establishes).
- 9.53 In summary, the proposals would cause limited effects on land use and topography. There would be moderate neutral effects on Bovingdon 008 at year one, changing to beneficial at year 15 and localised major/moderate adverse on site vegetation at year one changing to beneficial by year 15. Landscape character would experience a moderate/minor adverse effect at district scale though the existing/previous use/buildings are considered atypical in the wider landscape. The proposals would be in character with the neighbouring industrial uses within the MDS designation. Change to the landscape character is deemed 'neutral' by year 15. Local level changes would also be moderate adverse as a result of the built form, lessening to moderate neutral at year 15. None of the effects on the visual receptors are considered significant.

- 9.54 Taking the above into account, it no specific concerns are raised in relation to the character and appearance of the countryside or any other landscape/visual considerations. The landscape proposals for the site layout would produce a net benefit to the site and setting by year 15 when established.

#### Design Quality and Appearance

- 9.55 Section 12 of the NPPF identifies that good design is a key aspect of sustainable development, creates better places to live and work and makes development acceptable to communities. Furthermore, high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve.
- 9.56 The emphasis on good design is highlighted in the Core Strategy, Policies CS10, CS11 and CS12; Appendix 3 of the Dacorum Borough Local Plan (DBLP) (2004); and Dacorum's Strategic Design Guide, ensuring that new development is of the highest quality and contributes towards making distinctive, attractive and sustainable places to live and work.
- 9.57 The proposals include seven warehouse units with first-floor offices together with an area of open storage. The units are arranged in three blocks either side of a central access road and include landscaped parking areas. The terrace of four units to the east comprises smaller units, a larger detached unit proposed to support the existing builders merchant operation and a pair of semi-detached warehouse units. A new access is proposed to the builders merchant site to avoid conflicts with the new development and the main access would be enhanced via new boundary treatment and landscaping.
- 9.58 In terms of building design, the units comprise single-storey warehouse buildings comprised of coated galvanised steel profiled cladding, sheet roofing and feature flashing, metal rainwater goods and powder coated aluminium fenestration. To add some articulation to the buildings and pay respect to the former use, facing brick in the Bovingdon Brickworks style has been provided on the lower sections of the facades and parts of the flanks of the units. In addition, areas of Rockpanel Woods stonewool vertical cladding planks have been incorporated at a higher level to enhance the aesthetics of the building and provide some elements of a more 'natural' appearance.
- 9.59 Units 1-4 and 6-7 would incorporate a 'caramel oak' coloured cladding, red brick and different shades of grey sheeting. The appearance of unit 5 differs to add some variety to the complex of buildings, including green and blue cladding. Following the input from the Urban Design Officer, it was also considered that the north-eastern corner of the building should be improved, as this would be visible from Leyhill Road at the end of the service road. The corner was amended to include a large area of glazing to provide a more welcoming and interesting appearance.
- 9.60 Additionally, a number of other alterations were made to the scheme following input from the council. These include:
- Parking amended to increase landscaping (car parking numbers remain the same);
  - Unit 1 frontage aligned with the adjacent Aston Martin extension to the east, maintaining the building line, aligning front elevation with Leyhill Road and increasing landscaping to the site frontage;
  - Unit 7 enlarged to recover floor area lost in unit 1;
  - Unit 5 swapped with its service yard to provide screening of the yard from the existing public footpath and the adjacent woodland;
  - Sliding gate to industrial estate entrance replaced with swing gates and brick gate posts (brick gate posts continue theme of brick wall to site frontage);

- Brick gate posts added to EH Smith site entrance to match industrial estate entrance;
- Pedestrian crossings added to estate road to improve safe walking from Leyhill Road to each unit;
- Landscape buffer shown between Phases 1 and 2, and link to existing public footpath removed; and
- New footpath link between Leyhill Road and Boxmoor Trust land added along eastern boundary of application site.

- 9.61 Regarding the external materials, the access road would be tarmac and the parking would be bitmac. The footpaths would be block paving and the service yards would be brushed finished concrete. The external storage area would comprise existing concrete and rolled hoggin. As such, there is some variety to the external materials that would be broken up by areas of soft landscaping.
- 9.62 The proposals have been designed with crime and security in mind. The Design and Access Statement notes that the proposals are in accordance with DBC's supplementary planning guidance on safety and security, specifically in relation to commercial/industrial estates. It also states that the access standards and guidance applied to the site and buildings are: Building Regulations Approved Document M 2004 (amended); British Standard 5588 Part 8 1999; British Standard 8300 – 2001; The Disability Discrimination Act 1995: Parts 2 and 3. Taking this into account, it appears that the scheme would be acceptable in relation to crime, safety and disabled access.
- 9.63 The Applicant has engaged with the LPA from pre-application stage and there have been a number of design iterations evolving the proposals. The process is detailed in the Design and Access Statement (see page 8) and its associated Addendum, which was submitted with the final set of amendments. Overall, the proposals would provide a high quality, modern and well landscaped warehousing development. The proposed layout, design and appearance respond positively to the planning policy context and surrounding environment.
- 9.64 Regarding building heights, the ground-to-ridge heights of Units 1-4 would be 8.6 metres and Units 5, 6 and 7 are 11.2m, 10.8m and 10.8m, respectively. No particular concerns are raised with the building heights in design or appearance terms and it is noted that these types of building heights are common for the proposed use types. The proposed landscaping and design elements previously discussed would reduce the visual impact of the height of the buildings and help them harmonise with the appearance of surrounding area.

#### Sustainability and Socio-Economics

- 9.65 The NPPF identifies that the purpose of the planning system is to contribute to the achievement of sustainable development. This encompasses economic, social and environmental factors. DBC has declared a climate emergency and therefore, sustainable design and construction is a key consideration. This is a requirement of Policy CS29. Policy CS28 also provides energy efficiency considerations.
- 9.66 The proposals involve the re-use of an existing previously developed site to provide new employment opportunities. The Planning Statement notes that a large amount of soft and hard material from the demolition of the former brickworks buildings has been recycled. It also discusses the proposed highway improvements, which include enhanced footpath and cycle links along the southern side of Leyhill Road between the site and Bovingdon Village. These improvements will be discussed further in the 'highways' section of the report.
- 9.67 As previously mentioned, the proposed development would replace a site historically used for general industry with its associated air, noise and light pollution. The proposals would use



modern materials and appliances, which are more energy efficient and less polluting. Although some tree loss would occur, the proposals would provide a comprehensive landscaping strategy that would provide overall gains to the ecology, biodiversity and the natural environment as a whole.

- 9.68 The submitted Sustainability Statement and Energy Strategy Report provide further details on the sustainability benefits of the proposed development. It notes that the proposed warehousing units have been designed with passive energy enhancement measures. The following measures would be incorporated into the proposals:
- Improved U-value of walls, windows and roof lights to reduce the energy demands for heating;
  - Optimised roof-light areas (9% of warehouse floor area) to provide heating but limit overheating;
  - Improved air permeability;
  - Solar heat gain control via the use of solar control glazing (reducing the need for artificial cooling); and
  - Other measures including daylight efficiency, building layout and thermal mass.
- 9.69 In addition to the passive measures, the proposals include other energy enhancement measures such as high efficiency LED lighting, automated lighting and daylight dimming controls, air-to-air heat recovery, power factor correction, 320m<sup>2</sup> of photovoltaic panels and air source heat pumps on all of the units. All of the units would achieve an EPC A rating.
- 9.70 The Energy Strategy Report notes that due to the absence of substantial and constant heating requirements, the use of a communal combined heat and power would not be viable for the project. Although this is unfortunate, it is considered that the above measures would provide highly sustainable development in terms of energy and carbon emissions. The aforementioned measures would be captured via a planning condition should the application be approved. It is also considered necessary to include conditions relating to site waste and construction management processes to ensure that these elements are managed satisfactorily.
- 9.71 In addition to environmental sustainability, the proposals would also provide social and economic gains. The Applicant has provided an Economic Statement that discusses this. The Economic Statement builds upon the emerging Local Plan and DBC's 2019 'Economic Study Update', which notes a substantial shortage of industrial space within Dacorum. DBC have acknowledged that the 'exceptional circumstances' exist for increasing the employment area by releasing 0.6ha of Green Belt land in its current evidence base. The strategy gives high priority to medium and small sized businesses in new employment development.
- 9.72 The Applicant's Economic Statement describes the drivers of demand, including:
- The increased rise of e-commerce, modernisation and supply chain resilience following Covid-19;
  - A significant under-supply of industrial sites in Dacorum, continued erosion of stock and low vacancy rates, particularly amongst small and medium sized premises;
  - Strong and continued levels of Gross Value Added (GVA) and employment growth in the borough, including transport and storage sectors; and
  - High population growth and support for higher levels of housing delivery in the future, increasing demand for local employment opportunities.
- 9.73 The Planning Statement provides further commentary, highlighting that the lack of sufficient employment land subsequently decreases the competitiveness and attractiveness of the

borough for inward investment. This can lead to unsustainable travel patterns because residents may travel elsewhere for work opportunities. It further states that the site is located close to a strategic road network and within a growth corridor identified by the Local Economic Partnership. As such, there is a clear advantage to warehousing and light industrial operators in this area due to the accessibility to consumer and business markets.

9.74 The overall economic benefits associated with both phases are summarised as follows:

- Temporary construction jobs, including for local residents, businesses and apprenticeship opportunities;
- 125 to 165 full time jobs on site once the proposed development is operational, across a wider range of occupations and skills levels, leading to a substantial uplift in opportunities compared to when the site was previously operational;
- A further 60-85 indirect (off-site jobs) in the wider Hertfordshire economy across a wide range of occupations and sectors;
- A contribution of £7.5 to £14.5 million in GVA per annum in Dacorum once the scheme is operational and a further £4.6 to £6.2 million per annum across the wider economy; and
- Around £295,000 in business rates per annum to support essential local services in Dacorum.

9.75 The economic benefits associated with both phases of development appear to be linked to the proposed floor area and scale of buildings. For example, it is estimated that both phases could support between 125 to 165 full time jobs based on the employment densities linked to the proposed floor space. Taking this into account, it is predicted that Phase 1, with 4,833sq.m (circa 56%) of the overall 8,664sq.m proposed floor space, would generate roughly 56% of the economic benefits associated with the proposals. Phase 2, with an overall floor area of 3,167sq.m would subsequently provide around 44%. However, despite this prediction, the future uses of the individual units and the businesses that occupy them will likely change these figures to some degree.

9.76 The conclusions from the Economic Statement are as follows:

*'The evidence collated suggests that very special circumstances can be demonstrated in support of the proposed development from a socio-economic perspective. The local socio-economic context (from a performance, growth forecasts and policy perspective) show that there is a need to intervene to support further growth. The proposed nature, scale and location of the development can address current deficiencies in local supply, respond to local needs and deliver benefits that could not be achieved if the scheme does not proceed.'*

9.77 The proposals and their associated economic benefits would, in tandem, provide a number of social benefits (e.g. job and training opportunities to local people), in addition to revenue. Overall, the proposals are considered to provide a highly sustainable development and is considered compliant with local and national policies in this regard.

#### Impact on the Road Network, Internal Circulation/Manoeuvrability and Parking Provision

9.78 Policies CS8, CS9 and saved Policy 51 seek to ensure developments have no detrimental impacts in terms of highway safety. Paragraph 111 of the NPPF states,;

*'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

- 9.79 Hertfordshire County Council's (HCC) Local Transport Plan (LTP) is also relevant, specifically Policies 1 (Transport User Hierarchy) and 5 (Development Management) and the recently published 'Place and Movement Planning and Design Guidance'.

#### *Existing and Proposed Accesses*

- 9.80 The application is supported by various technical documents relating to highways. They have been reviewed by Hertfordshire County Council as the Highways Department who have noted that the proposed access is safe and suitable. As such, no objection has been raised on highway safety grounds. They did note that vehicular speeds are higher on average than the speed limit. The speeds of passing vehicles is clearly outside of the Applicant's control. However, they have designed the access arrangements to accommodate for this, allowing sufficient visibility road and vehicles that may be driving above the speed limit.
- 9.81 The submitted Transport Assessment ("TA") demonstrates that there are no specific road safety issues associated with the site with no accidents reported in relation to the existing site access points. During the course of the application, the proposed highways arrangements have also been subject to an independent Road Safety Audit with no safety concerns raised.
- 9.82 Bovingdon Parish Council and residents have queried the need for a further access onto Leyhill Road. The Transport Assessment Addendum ("TAA") responds to this, highlighting that 'there is an essential requirement to provide a new access to serve the commercial site independently from other operations.' Whilst a further access point would impact the rural character and appearance of the Leyhill Road to some degree (discussed later in the 'public consultation responses' section), it does not appear to raise any unacceptable impacts on highway safety terms. It would also provide less conflicts between businesses operating the warehousing units and people accessing the builders merchants building. The TAA makes the distinction between the vehicular activity associated with the commercial site (staff and customers in cars and light vans) and larger HGVs and articulated lorries associated with the other uses. No specific objections are raised in relation to the alterations to the existing access and the new access proposed.
- 9.83 A number of tracking diagrams have also been provided, illustrating that the access points can be accessed by various vehicles (e.g. box vans, fire appliances, 10 metre rigid van, articulated vehicles, etc.). Internal diagrams demonstrate that all of the warehouse and commercial units can be accessed (and exited) satisfactorily. No concerns have been raised by the Highway Authority in this regard.

#### *Impact on the Road Network*

- 9.84 An assessment has been undertaken regarding the impact of the proposals on the road network. The TA has reviewed existing levels of traffic, the estimated levels of traffic associated with the former brickworks in full operation and traffic linked to the proposed uses. Regarding the existing road network, an Automatic Traffic Counter survey was undertaken for seven days in March 2023. A summary of existing levels of weekday traffic can be seen in Figure 3.

Time Period	Eastbound	Westbound	Two-way
08:00-09:00	73 (2)	107 (4)	180 (6)
17:00-18:00	88 (1)	77 (1)	166 (2)
<b>Daily Total</b>	<b>997 (48)</b>	<b>1,029 (58)</b>	<b>2,025 (106)</b>

*Figure 3 – Existing Traffic Flow on Leyhill Road (extract from Transport Assessment)*

- 9.85 The road is considered lightly-trafficked during a typical weekday period with around 2,000 two-way vehicle movements with an average of 135 two-way HGV movements, which amount to circa 5% of all vehicles on Leyhill Road.
- 9.86 Despite the former brickworks no longer being operational, a further assessment of the existing access points was undertaken (see Figures 4 and 5). This indicates the current traffic flows associated with the other uses on the site. These accesses are also considered to be 'lightly trafficked', particularly during peak hours of the highway network.

Time Period	ARRIVALS	DEPARTURES	TWO-WAY
AM Peak Hour (08:00-09:00)	3 (3)	2 (2)	5 (5)
PM Peak Hour (17:00-18:00)	0 (0)	0 (0)	0 (0)
Daily Total (07:00-19:00)	36 (33)	23 (20)	59 (53)

*Figure 4 - Existing Traffic Movements – Western Access (extract from Transport Assessment)*

Time Period	ARRIVALS	DEPARTURES	TWO-WAY
AM Peak Hour (08:00-09:00)	20 (2)	11 (2)	31 (4)
PM Peak Hour (17:00-18:00)	0 (0)	13 (0)	13 (0)
Daily Total (07:00-19:00)	152 (20)	186 (36)	338 (56)

*Figure 5 – Existing Traffic Movements – Eastern Access (extract from Transport Assessment)*

- 9.87 Overall, the current operation of the site generates 397 two-way vehicle movements during a typical weekday, which is roughly 16% of all traffic using Leyhill Road. The monitored turning movements indicate that vehicles principally enter/exit to the east along Leyhill Road (via Chesham Road), rather from the west, which leads to more rural, convoluted routes.
- 9.88 The TA notes the following key points in relation to the historic brickwork operations:
- The daily operations associated with the manufacturing process included local excavation and the import of materials; manufacture/production of bricks on site; and the sale and distribution of the bricks.
  - The brickworks, when fully operational, imported clay from the Pockets Dell field immediately to the north with regular movements across Leyhill Road from large tipper trucks and grab lorries. These movements were permitted through a historic county application 4/0225/99 that permitted a maximum of 40 vehicle movements (20 arrivals, 20 departures) between the sites each day. There may also have been further haulage movements associated with extraction, however, these are undocumented.

- At its peak, the brickworks business employed between 55 and 70 staff members. All staff were based on site and the majority travelled by car. Based on the level of staff, it is estimated, as a minimum, that staff movements amounted to over 100 two-way car movements per day.
- On average, 6-8 two-way vehicle movements by articulated vehicles for deliveries. Some deliveries would have been made by a 12 metre ridged vehicle, which would amount to 8-10 daily two-way vehicle movements.
- Overall, the existing brickworks is predicted to have generated around 130-140 two-way vehicle movements during a typical weekday of which 30-40 movements were by HGV (although this could be 46-48 two-way movements based on the maximum), and 100 were staff car movements. A large portion would have been during peak hours for the arrival/departure of staff. It is unlikely that the HGV movements would have occurred during these peak hours.

9.89 Some of the figures provided within the TA are considered as the ‘worst case’ scenario i.e. assessing the brickworks at maximum capacity. It notes that the general industrial use could be reinstated and optimised at any time. TRICS data has been used to look at the 2 hectare site area based on this optimised general industrial use. It highlights that there would be the potential for 500 two-way vehicle movements on a daily basis. The TA concludes by noting that the historic use generally represents a much less intensive use than what could be lawfully be reinstated on the site.

9.90 The TA notes that in reality, the aforementioned intensive level of use would not be sensible and therefore the proposed mixture of light industrial and B8 uses (warehousing and storage) are beneficial from a highways perspective. A TRICS assessment details estimated trips associated with the gross floor area of the proposed uses, see Figure 6.

Time Period	Arrivals		Departures		Total Two-way	
	Trip Rate	Traffic	Trip Rate	Traffic	Trip Rate	Traffic
AM Peak Hour (08:00-09:00)	0.198	17	0.048	4	0.246	21
PM Peak Hour (17:00-18:00)	0.049	4	0.058	5	0.107	9
<b>Daily Traffic</b>	<b>1.610</b>	<b>139</b>	<b>1.528</b>	<b>132</b>	<b>3.138</b>	<b>272</b>

*Figure 6 – Predicted Traffic Generation – Industrial Estate (8,664m<sup>2</sup>)  
(extract from Transport Assessment)*

9.91 The above indicates that both phases of development would generate circa 272 two-way vehicle movements including 33 two-way vehicle movements by Ordinary Goods Vehicles (“OGV”) during a typical weekday. This includes larger rigid vehicles (2-3 axles) and larger HGVs. This figure is around the same or less than the historic activity generated by the brickworks i.e. 30 to 40 movements. It is likely that the level of movement associated with each phase would be linked to the proposed scale/floor areas, with Phase 1 producing somewhere between 50-60% of the overall movements and Phase 2 producing between 40-50%.

9.92 The brickworks no longer operates on the site and therefore its associated vehicular movements have decreased. When in operation, the brickworks had 130-140 two-way movements associated with it and the Transport Statement notes that, if intensified, the use could generate up to 500. It further states that the proposed use would represent a 45% decrease in this ‘intensified’ use.

9.93 The proposals would provide a middle ground between the former brickworks use and the potential for an intensified general industrial use. As there are limited vehicular movements associated with the brickworks site due to the loss of the business, there clearly would be more vehicles on local road when compared to now. However, it is not considered that they would overwhelm the highway network or result in unacceptable levels of congestion. The proposals are considered acceptable by the Highways Department, subject to conditions and planning obligations, and the proposed development offers greater opportunities to introduce sustainable travel incentives to the site. The proposals are therefore considered acceptable in terms of their impact on the road network.

#### *Sustainable Transport Measures and Highway Upgrades*

9.94 Turning to sustainable transport measures and highway upgrades, the HCC originally objected noting that the proposals 'fail to maximise sustainable transport options...' The original proposals included a shared 850 metre pedestrian/cycle route into the centre of Bovington, which was confirmed as an 'important step in starting to unlock this site'.

9.95 Further discussion took place and it was agreed that bus stop improvement works could be funded by the development, if approved. The improvements include:

- Increased hardstanding on the eastern side of Green Lane to provide new shelter and accessible kerbs;
- New footway connections on the southern side of Green Lane with uncontrolled crossing and accessible kerbing; and
- A bus stop post, flag and timetable information.

9.96 The proposed bus stop works can be found in the Transport Assessment Addendum, see drawing 2023/4189/009, and the access and footway/cycle proposals on drawing 2018/4189/002/P11.

9.97 The highways works would be subject to further consideration and design evolution via the Highways Section 278 process and captured via a S106 legal agreement attached to this application. In addition to benefitting future users of the proposed development, these works would serve a wider purpose by benefitting future residents in the recently approved Grange Farm development to the east.

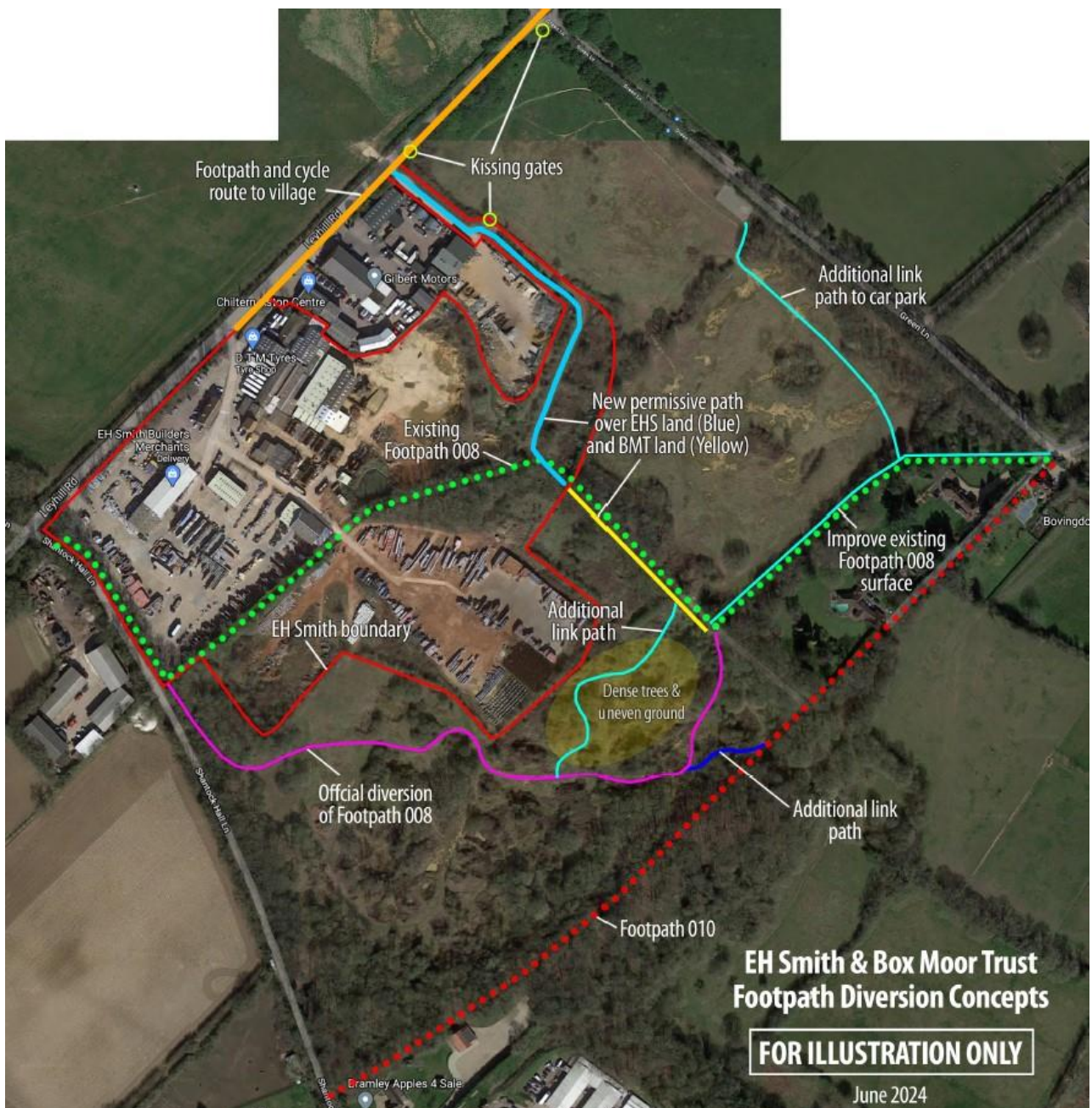
9.98 The proposals include five-year travel plans to maximise opportunities for staff to travel sustainably and car share. The Applicant has committed to paying a travel plan support fee, monitored by a travel plan coordinator. HCC have indicated that two financial contributions would be required in relation to the highways mitigation. 'Strand 1' would include the direct mitigation works to unlock the development including the travel plan monitoring costs of £6,000 (£1,200 per annum). The other Strand 1 works include the access arrangements, off-site highway works and bus stop improvements captured via the S278 process.

9.99 The 'Strand 2' costs relate to the cumulative impacts of all development to facilitate delivery and enhancement of active and sustainable transport networks. This contribution is intended to support wider transport measures in the catchments of new developments. The figure is calculated by HCC's 'Developers Planning Obligation Toolkit 2021'. The Highway Authority have confirmed that the funds would be allocated to projects identified in the emerging South-West Hertfordshire Growth and Transport Plan and/or the emerging DBC Local Cycling and Walking Infrastructure Plan (LCWIP). The agreed contributions for Phase 1 and Phase 2 are £22,413.76 and £17,764.34, respectively (£40,178.10 total), based on TRICS data, floor area and predicted number of jobs.



## Footpath Diversion

- 9.100 The proposals include the diversion of Footpath Bovingdon 008, which currently runs through the site. The proposal to divert this footpath form part of the emerging allocation Cy02, which states that it is '...to be diverted by c. 60 metres to the south east and provided with an enhanced all-weather surface.' The indicative proposals are supported by Strategic Planning and both DBC's and HCC's rights of way officers.
- 9.101 Initial objections were received from a neighbour and the Parish Council due to the loss of a circular walking route. Discussions during the course of the application resulted in further routes being added including a new permissive path link with Footpath Bovingdon 010. The annotated image below (see Figure 7) shows the proposed diversion plus the proposed permissive paths linking the proposed diversion with Leyhill Road (across an old E H Smith trackway and Boxmoor Trust land) and Footpath 010. Additional kissing gates are also proposed.



### *Figure 7 – Details of Existing and Proposed Footpaths*

- 9.102 The proposed diversion, along with the permissive paths, would enable walkers to navigate two possible circular routes across the Applicant's and Boxmoor Trust land. The proposals would not add to the length of the existing footpath route and would seek to avoid possible health and safety issues associated the forklifts/HGV's crossing point.
- 9.103 It is considered that the new footpath would provide an enhanced walking route visually/aesthetically, as it would lead through planted areas/countryside rather than the developed site. The Applicant has confirmed that the footpath proposals have the support of Boxmoor Trust as a willing landowner, and the works would be secured by means of a Memorandum of Understanding agreement, which expresses a convergence of will between parties. This is often used either in cases where parties do not imply a legal commitment or in situations where the parties cannot create a legally enforceable agreement. The Applicant has agreed with Boxmoor Trust the costs for the implementation of the footpath diversion and other works, including the new kissing gates.
- 9.104 No objections are raised to the diversion of the footpath. The proposals would enhance the footpath surface to an all-weather surface (i.e. compressed gravel chippings, as agreed by the DBC rights of way officer) and provide a safer, more attractive walking route. The additional permissive routes would also increase connectivity in the area. It is considered that these elements would serve a wider benefit to the area and should be given positive weight in the planning balance.

### *Parking Provision*

- 9.105 The NPPF and Policy CS12 seeks to ensure developments have sufficient parking provision. DBC's Parking Standards (2020) SPD provides specific guidance for the number of parking spaces required for new developments. The site is situated within Accessibility Zone 3 whereby one space per 35sq.m of gross external area is applicable for 'light industrial' uses and one space per 75sq.m for lorries 'on a case-by-case basis' for 'storage/distribution' uses should be provided. In addition, 5% of the total capacity should be disabled spaces. Regarding electric vehicle parking, 20% of all spaces should be active provision and another 30% as passive provision. Sufficient space for bicycles should also be provided, equating to one short-term space per 500sq.m and one long-term space per ten full-time staff.
- 9.106 If the proposals were purely light industrial, they would be required to provide circa 118 spaces. If purely storage and distribution, around 55 lorry spaces would be required, based on the gross external area. As the proposals comprise a flexible use, the application includes 83 car parking spaces and eight lorry parking spaces. The applicant has confirmed that in-line with HCC recently published 'Place and Movement Planning Design Guide', all car parking spaces would meet the 2.5m by 5m minimum size requirements, with no spaces obstructed to the side. The applicant has also confirmed that the disabled spaces could also meet the increased size requirement of 5.5m by 2.9m without much impact on layout and landscaping.
- 9.107 Overall, the proposals are considered to provide a satisfactory number of parking spaces noting the 'flexible' uses proposed. The exact uses for the units has not yet been fully defined. However, as previously alluded to, Unit 5 is proposed to be retained by EH Smith as a warehouse in connection with the adjoining building merchants use. All of the units would be provided with a flexible parking arrangement allowing for both cars and lorries to park. In addition, disabled spaces and electric charging points are annotated on the drawings. The proposals are therefore appropriate in terms of parking provision and conditions would be imposed relating to parking space dimensions, bike stores and electric vehicle charging



points if the application is approved. This is to ensure that the proposals meet the relevant policies/guidance.

### Environmental Implications

#### *Environmental Impact Assessment*

- 9.108 The aim of Environmental Impact Assessment (“EIA”) is to protect the environment by ensuring that an LPA, when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.
- 9.109 The proposals do not fall under Schedule 1 of the EIA Regulations. Accordingly, the need or otherwise for an EIA to accompany an application for development of the site is to be considered under Schedule 2. Section 10 notes that for ‘industrial estate development projects’ and for ‘urban development projects’ the area of development needs to exceed 5 hectares. Whilst the application site (see total red line on Site Location Plan) measures circa 7.68ha, the area for redevelopment comprises around 2.6ha, falling below the EIA threshold. Following a review of the above thresholds, it is not considered that the proposals constitute EIA development and therefore no further action is required in this regard.

#### *Chilterns Beechwoods Special Area of Conservation – Habitat Regulation Assessment*

- 9.110 The Chilterns Beechwoods Special Area of Conservation (“SAC”) includes a number of separate sites in the Chiltern Hills and spans three counties. A SAC is an internationally recognised designation with habitats and species of significant ecological importance. The relevant sites to Dacorum are the Ashridge Commons and Woods Sites of Special Scientific Interest (“SSSI”) and the Tring Woodlands SSSI.
- 9.111 As part of Dacorum’s emerging Local Plan, evidence was found that additional residential development in the Borough would lead to more visitors to these protected sites and an increase in adverse activities e.g. trampling. To limit this impact, a Habitat Regulations Assessment (“HRA”) is required for any development that results in an additional residential unit within the ‘zone of influence’.
- 9.112 The proposals are a ‘non-residential’ project, which due to its nature would not give rise to additional visitors to the SAC, as there is no net increase in dwellinghouses. Therefore, it is concluded that there would not be likely significant effects either alone or in combination with other plans/projects on the qualifying features of the SAC in respect of recreational pressure.

#### *Biodiversity, Ecological Mitigation and Habitat Creation*

- 9.113 Policy CS26 states that development and management action will contribute towards the conservation and restoration of habitats and species; the strengthening of biodiversity corridors; the creation of better public access and links through green space; and a greater range of uses in urban green spaces. Policy CS29 seeks to ensure that development minimises impacts on biodiversity and incorporates positive measures to support wildlife.
- 9.114 Paragraph 180 (a) of the NPPF advocates a hierarchical approach to biodiversity mitigation – the principle that on-site biodiversity loss should be avoided, mitigated and, as a last resort, compensated.
- 9.115 The application site has been previously developed for general industrial uses, which are likely to have significantly decreased the ecological value of the site. However, as the intensity of the brickworks use declined, the ecological value may have increased. A

Biodiversity Impact Assessment (July 2023) and supplementary Biodiversity Net Gain (“BNG”) Statement and Metric (2024) have been provided to take account of the emerging requirements for net gain. Whilst these applications were submitted prior to the statutory requirement for BNG, the applicant has committed to provide it.

- 9.116 Drawings ECO1 and ECO2, submitted as part of the BNG Statement illustrate that the proposals can achieve a 48.58% and 29.86% increase in habitat units and hedgerow units, respectively. The biodiversity enhancements would be achieved primarily through the comprehensive landscaping proposals. ECO2 details the ‘post-development habitats’ that include newly introduced mixed scrub, shrubs, trees and hedgerows. The plan also shows provision for species features (e.g. bird and bat boxes). HCC have concluded that 10% BNG ‘has been demonstrated and is achievable’. They consider the enhancements as ‘significant’ and confirm that the Metric Trading Rules have been met.
- 9.117 Turning to on-site ecology, the site has been subject to numerous recent habitat and species surveys. HCC have noted that these ‘provide a thorough and reliable baseline’ understanding of the site. Most of the site is hardstanding with edges of dense bramble, disturbed ground with ruderal/colonising flora and some scattered scrub and broadleaved woodland. There is drainage pit/pond that would be lost, but HCC consider this ‘of little significance’.
- 9.118 The details provided highlight that there is no evidence of badgers on the site. Regarding bats, there is very limited habitat available with no building suitable for roosts. One tree was identified with ‘high roosting potential’ – this would be retained. A lighting design strategy (see “External Lighting Proposals, Issue 2, 12 June 2023 by Shepherd Brombley Partnership”) has been provided to ensure that lighting is sensitively designed as not to impact wildlife. HCC have commended on this noting its acceptability as it will ‘reduce light spill and glare’ to ‘limit the impact of artificial light on the adjacent LWS and local area’.
- 9.119 No particular bird, mammal or invertebrate interest, including great crested newts, was found. HCC have pointed out that the adjacent Local Wildlife Site (“LWS”) to the east is known for butterflies. A low population of slow worms were recorded within boundary vegetation but otherwise are likely to be absent. Conditions relating to landscaping and habitat maintenance and management will deal with any existing on-site ecology appropriately.
- 9.120 On ecological grounds, the proposals are considered acceptable subject to the imposition of the conditions recommended by HCC relating to BNG and the provision of a Construction and Environmental Management Plan.

#### *Trees and Vegetation*

- 9.121 The proposals would involve the removal of one Category A2 tree (T17) and four Category B trees (T01, T03, T17 and T23). The removal of these trees is necessary to facilitate the proposals. Part of group G03, groups G06 and G07 and trees T11-13 (all defined as Category C) would also need to be removed. Group G02 and trees T04 and T18 would also be removed due to their poor condition and location to public highway/footpaths. These are Category U (trees in irreversible decline or dead).
- 9.122 Whilst a number of trees would be removed, the proposals include over 65 new trees within the warehousing complex and on the boundary to Leyhill Road. There are also large areas of infill native tree planting, native shrub mix and understorey planting as part of the wider landscaping and BNG proposals. These elements would provide further tree planting, primarily within the eastern section of the site.

- 9.123 For the retained trees, a number of techniques would be used to ensure that any works within root protection areas are sensitively managed. For example, excavation methods and no-dig techniques. The root protection measures also extend to the planting of new trees within the root protection areas of existing trees. All of these measures would be conditioned, if approved, and would help to avoid any significant root damage to the retained trees.

#### *Contamination*

- 9.124 The site is situated within an area with potentially contaminative former land uses. DBC's Environmental and Community Protection Team ("ECP") have reviewed the proposals and provided comment. Whilst raising 'no objection' they have explained that a number of planning conditions would be required to further demonstrate that the potential for land contamination to affect the proposed development has been considered and, where it is present, be remediated.
- 9.125 Subject to investigation and suitable mitigation captured through conditions, it is not considered that contamination would be a constraint to the development proposals.

#### *Drainage, Flooding, Foul Water and Sewerage*

- 9.126 The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Core Strategy Policy CS31 echoes this approach.
- 9.127 The application site is situated entirely within Flood Zone 1, indicating that there is a less than 1 in 1000 year probability of the site flooding and therefore at a low risk of fluvial flooding. The risk of flooding from rivers, seas, groundwater sewers and reservoirs is also considered to be low. The majority of the site is considered at 'very low' risk of surface water flooding with a small portion having 'medium' risk. The site also has a low susceptibility to groundwater flooding.
- 9.128 The application is supported by a Flood Risk Assessment and Drainage Strategy by RGP (dated January 2024), which cover both phases of the proposals. The proposed drainage scheme seeks to dispose of surface water via a deep bore soakaway and a number of locations across the site. The foul water disposal would be dealt with in a similar manner, following wastewater treatment at an on-site facility. Rainwater attenuation in green infrastructure makes up part of the drainage strategy through rain gardens and swales leading to additional attenuation in permeable paving and geo-cellular attenuation tanks.
- 9.129 The drainage strategy is split into separate networks based on pollution risk and retention separators are proposed to mitigate the risk of pollution. For example, the proposed access would include a 'Class 1 Full Retention Separator' as this catchment it at most risk from pollution caused by traffic. This oil water separator would treat polluted runoff water to meet 'Class 1' European Standards (EN 858-1). The remaining areas are considered 'low risk' and would be dealt with by other elements of the drainage strategy.
- 9.130 Subject to the proposed on-site treatment, the Environment Agency ("EA") highlight that there would be no adverse effects on groundwater. Discharge consents would be required from the EA for both foul and surface water. Thames Water have highlighted that, due to the scale of development, the proposals would not 'materially affect the sewer network'. The Lead Local Flood Authority ("LLFA") have reviewed the documents provided. Despite raising some concerns with the initial detail provided, no objections have been raised to the further information provided in January 2024, subject to the imposition of six conditions in relation to:

- Long-Term Groundwater Monitoring;
- Soakaway Testing;
- Surface Water Drainage Details;
- SuDS Maintenance and Management;
- Drainage Survey and Verification; and
- Drainage Method Statement.

9.131 In addition to the above, it is noted that the EA requested conditions in relation to a restriction on infiltration drainage and water contamination. The proposed contamination conditions align with those suggested by ECP, which would be added if the application is approved. Therefore, it is not felt necessary to duplicate these conditions. Overall, the proposals are considered acceptable and policy-compliant in relation to drainage, flooding, foul water and sewerage.

#### Residential Amenity

9.132 The impact on the established residential amenity of neighbouring properties is a significant factor in determining whether the development is acceptable and Paragraph 135(f) of the NPPF states that developments should provide a high standard of amenity for existing and future users.

9.133 Policy CS12 states that, with regards to the effect of a development on the amenity of neighbours, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

#### *Future Users*

9.134 The proposed employment environment is considered high quality with buildings designed to modern sustainability and accessibility standards. The proposed level of glazing (via roof lights and other windows) would provide an acceptable level of natural light. The areas of landscaping in and around the site, in addition to the access to public footpaths and green spaces in the vicinity, would enhance worker wellbeing. No concerns are raised with the amenity of future users/employees of the site.

#### *Existing Residents*

9.135 The proposals would be sited over 100 metres from neighbouring residents. Considering this distance, it is not felt that the proposed development would result in any unacceptable residential amenity impacts in relation to visual intrusion, loss of light, loss of privacy/overlooking or overbearing impacts.

9.136 The proposals would result in an intensification of the site when compared to the current activities, which have declined over the years for the reasons previously mentioned. Taking this into account, the proposals are likely to lead to an increased level of activity on-site. Some of this activity would result in additional noise (e.g. vehicular movement, reversing alarms, etc.). However, the proposed buildings and comprehensive landscaping strategy would provide noise attenuation and help to contain it within the site. In addition, it is considered necessary to restrict the movement of HGVs during night-time periods (23:00-06:00) via condition. This would help to limit noise impacts on neighbours and protect the rural/countryside environment. A noise management plan condition for day/night activity is also felt necessary to secure reasonable noise levels. If the site, post-development, did result in any unacceptable levels of noise, other measures could be used such as the Environmental Protection Act and Statutory Nuisance Regulations.

- 9.137 The increased activity and new buildings on the site are also likely to increase light emanating from the site. However, as discussed previously, the submitted External Lighting Proposals are considered sufficient to limit light spill.
- 9.138 The proposals would represent a cleaner and less polluting form of development when compared to the historic brickwork use, or what could be achieved through the re-use of the site for general industrial use. The proposals would provide an acceptable working environment for future employees and when considering the above and the distances to residential properties, it is not felt that there would be any unacceptable noise, disturbance or light spill issues for residential properties within the locality. The proposals are therefore policy-compliant on residential amenity grounds.

### **Other Material Planning Considerations**

#### *Environmental Health*

- 9.139 The ECP Team have recommended a number of informatives relating to waste management, construction working hours with best practical means for dust and air quality and invasive and injurious weeds. These would be added to the decision notice if the application is approved.

#### *Source Protection Zones*

- 9.140 The site is situated within the EA's Source Protection Zones 2 and 3. Any development proposal will need to ensure that groundwater contamination does not occur as a result of the proposal. Subject to the previously discussed conditions and EA permits, it is considered that the proposals are acceptable in this regard.

#### *Heritage Assets*

- 9.141 There are a number of heritage assets around the site, including buildings at Whelpley Ash Farm to the north; Marchants Farm to the south-west; and Green Farmhouse to the east. Considering the existing/previous use and built form on the site, the distances to these heritage assets and the level of screening between the sites, it is not considered that the proposals would result in harm to these assets or their settings.

#### *Air Traffic*

- 9.142 The application site is located within close proximity to Bovingdon Airfield and within the National Air Traffic Services ("NATS") > 15 Metre notifiable development height and the RAF Halton and Chenies Red Zone (10.7m), which relate to height and notification. It appears that several of the units are marginally above 10.7m and therefore the following consultees/organisations were notified: National Air Traffic Services ("NATS"), Civil Aviation Authority ("CAA"), Ministry of Defence ("MOD"), Halton Aeroclub and Chenies Manor.
- 9.143 No specific objections have been received in response from the above consultees. The MOD have highlighted that the proposals would 'not impact on any MOD site or other defence assets.'
- 9.144 NATS highlighted that they have two assets that they safeguard within the vicinity; the DVOR DME Beacon on the disused airfield and the PSR/SSR Radar to the south of the site. In terms of the Beacon, the proposal is over 1km away and therefore anything up to 15m is 'unlikely to cause any impact' because it is below the safeguarding criteria height. However, in respect of the Radar, NATS explained that 'large, flat, metallic' warehouse buildings can cause some reflections, 'leading to false aircraft targets appearing on controllers' screens.'

NATS noted that they do not generally have concerns in this area, as units are mostly significantly lower than the Radar. They reviewed current radar performance and stated:

*...while a couple of units have caused issues at some time in the past, the radar performance is within parameters and we do not expect Phase 1 to significantly worsen things. On that basis, we are unlikely to object. In terms of Phase 2 however, we note that the units present a wider aspect to the radar, and again the orientation is towards busy airspace where we can expect traffic. As such, it is more likely that Phase 2 will have a detrimental impact, and in the worst case scenario, would require NATS to undertake some engineering works to the radar, in order to mitigate the impact (changes to the software and configuration).*

9.145 NATS further explained that:

*...the easiest way would be to request planning conditions, hopefully that means Phase 2 can be consented. Phase 1 would have a no objection. Phase 2, can then be submitted to us at Reserved Matters stage, when we can undertake further, more detailed assessments, and we should also know more about the radar's future. The worst case scenario for Phase 2 however, would be that an impact was confirmed, thus requiring the Mitigation Conditions to be discharged. This is common and standard practice for us, and subject to a commercial agreement around the funding, NATS would be able to modify the radar and mitigate the impact, allowing the Conditions to be discharged. The mitigation takes a maximum of 6 months from the agreement being in place. We do this regularly all over the country, and very often around Heathrow and Gatwick, so I assume that would also work for Dacorum and gives certainty to the planning application/Developer.*

9.146 Two planning conditions were recommended by NATS, which would be added to the Phase 2 application if it approved. This would ensure aircraft safety and protect the operations of the Radar.

#### *Public Consultation Responses*

9.147 There have been three neighbour comments in response to the LPA's public consultation. These include an objection, support and neutral comment. A number of the points raised, including noise, hours of operation, light, footpath relocation, landscaping, ecology, traffic and parking have already been discussed. As such, it is not felt necessary to revisit these here.

9.148 The neutral comment provided some commentary on various points such as design and made suggestions to incorporate more natural tones and textures to consider the rural context. The designers took this on-board and amended the scheme in-line with these comments (e.g. by including Rockpanel Woods effect cladding).

9.149 The neutral comment also highlighted that a new access from Leyhill Road would have a wider impact on the streetscene and increase intrusion into the Green Belt. A suggestion was made to utilise the existing access. This point was discussed with the applicant and they explained their reasons for providing a separate access (as discussed earlier), which primarily related to functionality and to avoid conflicts between vehicles associated with the different uses. To provide mitigation, new boundary treatment was proposed and therefore, if approved, a large portion of the existing galvanised palisade fencing would be replaced by brick walls with piers and metal railings (see Drawing 5040-PL-122, Revision A). The new entrance would also be constructed in a similar fashion. The proposed brickwalls would match the bricks on the new warehouse units (i.e. to replicate the historic Bovingdon

Brickworks style). It is considered that the new boundary treatment would improve the aesthetic of the site boundary and streetscene as a whole.

- 9.150 The applicant suggested replacing the entire palisade fencing along the boundary, however, the boundary vegetation had tangled with parts of it. It was therefore felt that the removal of all of the fencing would have undesirable impacts on the boundary vegetation, ultimately leading to its removal. As such, it was considered that the palisade fencing in the most vegetated areas should be retained.
- 9.151 In addition to the new boundary treatment, the landscaping proposals also indicate that around 22 new trees would be planted along the Leyhill Road frontage, which would help to soften the impact of the proposed built development and enhance the streetscene. Efforts have been made to reduce impacts on the rural character of Leyhill Road and the wider countryside and therefore, the proposals are found to be acceptable in this regard.

#### *Human Rights and Equality*

- 9.152 In-line with Public Sector Equality Duty, the LPA has regard to the need to eliminate discrimination and advance equality of opportunity, as per section 149 of the Equality Act 2010. In determining this application, regard has been given to this Duty and the relevant protected characteristics.
- 9.153 Considering the type of development proposed and assessment above, it is not considered that discrimination or inequity would arise from the proposal.

#### *S106 and Planning Obligations*

- 9.154 The requirement for new development to provide contributions towards the provision of on-site, local and strategic infrastructure required to support the development is set by Core Strategy Policy CS35 – Infrastructure and Developer Contributions.
- 9.155 As previously discussed, the following obligations would be captured via a Section 106 Agreement if the application is approved. The ‘Strand 2’ contribution differs between both phases, as it is based on the proposed floor space. Separate Travel Plans would be required by obligation for the individual phases, as they are likely to come forward at different times. As the BNG has been assessed by the Applicant holistically (i.e. both phases in one document/plan), there would be a requirement for either phase to provide the full habitat and hedgerow unit increases listed below. However, this is under the proviso that if the BNG is provided by one of the phases, it does not need to be provided again.

Matter	Contribution	Comments and Triggers
Highway Improvements	<ul style="list-style-type: none"> <li>• Off-site Cycle Route</li> <li>• Off-site Bus Stop Improvements</li> <li>• £22,413.76 ‘Strand 2’ Contribution</li> </ul>	<p>New footway connection on southern side of Green Lane with uncontrolled crossing and accessible kerbing, bus stop post, flag and timetable information.</p> <p>Financial contribution to address cumulative impacts of development for active and sustainable transport networks.</p> <p>Trigger: prior to occupation/first use of the development.</p>

Travel Plan	<ul style="list-style-type: none"> <li>£6,000 Travel Plan Contribution</li> </ul>	<p>Financial contribution towards the cost of implementation, processing and monitoring of the Travel Plan for five years.</p> <p>Trigger: prior to occupation/first use of the development.</p>
Biodiversity Net Gain	<ul style="list-style-type: none"> <li>48.58% increase in Habitat Units</li> <li>29.86% increase in Hedgerow Units</li> </ul>	<p>Requirement for a Biodiversity Management Plan to capture habitat retention, restoration, enhancement and/or creation.</p> <p>Trigger: prior to commencement and to be managed for 30 years.</p>

#### *Section 278 Agreement*

- 9.156 Any works within the highway boundary (including alterations to the footway and the proposed site access) would need to be secured and approved via a S278 Agreement with HCC.

#### *Community Infrastructure Levy*

- 9.157 The Community Infrastructure Levy (CIL) charge is applicable to 'net retail warehousing' and other uses such as residential, retirement housing, convenience-based supermarkets and superstores.

#### *Section 77 Direction*

- 9.158 The Town and Country Planning (Consultation) (England) Direction 2024 sets out the applicable criteria and arrangements to be followed for consulting the Secretary of State (SoS). It explains that any application for planning permission, which is for Green Belt development and includes the provision of building(s) with floor space over 1,000sq.m, must be referred to SoS if the LPA '...does not propose...' to refuse it. The purpose of the Direction is to give the SoS the opportunity to consider using the power to call-in an application under Section 77 to determine the application, rather than the LPA.

#### **Any Other Harm**

- 9.159 As discussed in the 'Principle of Development' section, it is recognised that, following confirmation that proposed development is 'inappropriate', it must be established whether 'any other harm' exists. Reference to this should also be taken to mean non-Green Belt harm (e.g. highways, ecology, etc.).
- 9.160 The 'other harm' associated with the proposals has been discussed in the relevant sections of this report. However, to summarise, the proposals would have some moderate adverse impacts on landscape character, particularly at early stages of the development. However, these would reduce and become neutral and ultimately beneficial as the proposed planting matures.

#### **Very Special Circumstances**



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

9.162 The NPPF states that:

*'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

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

9.164 The report above, proposed conditions and legal agreement would capture the positive benefits arising from the development, which are summarised as follows:

- Socio-economic benefits such as job creation, training opportunities, increased revenue;
- Environmental improvements including planting/landscaping proposals, removal of the historic polluting use and a significant biodiversity net gain uplift;
- Footpath improvements both in terms of health and safety, general use (i.e. improved all-weather surfacing) and additional routes;
- Highway improvements such as the new footway connection, crossing point and bus stop improvements.

9.165 All of the points above would serve wider benefits to the area and are considered to represent very special circumstances to justify the development.

## **10. CONCLUSION**

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

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

10.2 The site has been acknowledged as a 'Major Developed Site' in the Green Belt and is being brought forward in emerging policy with an expanded employment area. Due to the removal of the former brickwork buildings for health and safety purposes, the proposed development is considered to have a 'greater impact' on openness and is therefore considered 'inappropriate' and should not be approved except in very special circumstances.

10.3 Considering the assessment above, it is concluded that the Green Belt harm and other harms are clearly outweighed by all of the benefits and therefore very special circumstances do exist. Therefore, it is recommended that permission be granted subject to the proposed conditions and completion of the legal agreement.

## 11. RECOMMENDATION

- 11.1 That planning permission be DELEGATED with a view to APPROVAL subject to the completion of a S106 Agreement securing the highways improvements, travel plan and biodiversity net gain; and subject to the response from the Secretary of State regarding the Section 77 Direction consultation.

### Condition(s) and Reason(s):

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

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

2. **The development granted by this notice must not begin unless a Biodiversity Gain Plan has been submitted to and approved in writing by the planning authority. The development shall thereafter be carried out in accordance with the approved Plan.**

**Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.**

Reason: To ensure that the development provides biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (or as subsequently amended), Policies CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2023). These details are required prior to commencement to ensure that the ecological and biodiversity enhancements can be achieved before construction works begin and to ensure statutory requirements are fulfilled.

3. **Prior to commencement of the development, long term groundwater monitoring shall be undertaken at a depth of 10m (the deepest borehole installed) to ensure that the seasonally high groundwater will be at least 1m below the base of lowest deep bore soakaway (proposed at a maximum of 4m below ground). The groundwater monitoring should take place for six months starting in October to capture when groundwater levels will be highest.**

**The applicant shall conduct additional soakaway testing at the proposed deep borehole soakaway locations. The infiltration rate should be obtained from the third test at each location and used in the detailed design. The results of the testing shall be submitted to the Local Planning Authority for review and approval prior to the commencement of any construction activities.**

**The applicant shall implement any necessary modifications to the proposed development design based on the findings of the soakaway testing to ensure effective surface water drainage management and minimise flood risk.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

4. **Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority.**

**The scheme shall then be constructed as per the agreed drawings, method statement, updated detailed design from Condition 2 and Condition 3, Flood Risk Assessment and Drainage Strategy (Ref. 6947-RGP-ZZ-00-RP-C-0501, Rev. 2, dated January 2024) and Drawings (Ref. 6947-RGP-ZZ-00-DR-C-0550, Rev. P2, dated January 2024) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority.**

**The following will be required to satisfy this condition:**

- a) Following the results from the contamination investigation / remediation statement (see conditions 9 and 10), the applicant shall implement any necessary modifications to the proposed development drainage design based on based on the results and resubmit for the approval from the Local Planning Authority; and**
- b) Where required to avoid migration of any contaminants into the sensitive aquifer beneath the site, all SuDS features as proposed should be lined with an impermeable layer.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

5. **The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The details shall include:**

- a) a timetable for its implementation;**
- b) details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located; and**
- c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.**

**The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with these details in perpetuity.**

**The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of

surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

6. **Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 3 and 4.**

**Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

7. **Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

8. **No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2023).

9. **(a) No development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority, which includes:**

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

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

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2023).

- 10. Any contamination, other than that reported by virtue of Condition 8 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2023).

- 11. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:**

- i) Roads and footways**
- ii) Cycleways**
- iii) Foul and surface water drainage**
- iv) Visibility splays**
- v) Access arrangements**

- vi) Parking provision in accordance with adopted standard
- vii) Loading areas
- viii) Turning areas

**The approved works shall be implemented in accordance with the details approved.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).

- 12. Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing numbers 2018/4189/001/P11, 2018/4189/002/P11 and 2018/4189/004/P3 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).

- 13. Prior to the first use of the development hereby permitted any access gates, shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 5.5 metres from the edge of the highway.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).

- 14. Prior to the first use hereby permitted the vehicular access improvements, as indicated on drawing numbers 2018/4189/001/P11 and 2018/4189/002/P11, shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).

- 15. No part of the development hereby permitted shall be occupied prior to the approval of the Overarching Travel Plan and the approval of the relevant Plot Travel Plans and the implementation of those parts identified in the approved Overarching Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Overarching Travel Plan and the Plot Travel Plans implemented in accordance with the timetable contained therein shall continue to be implemented as long as any part of the development is occupied.**

Reason: In the interests of good planning and to enable a planned approach for connectivity and sustainable modes of transport and movement in accordance with Policy CS8 of the Dacorum Borough Core Strategy (2013).

16. **Notwithstanding the details shown on the proposed plans, the car parking spaces shall be in-line with Section 11: Car Parking Design Layout of Hertfordshire County Council's Place and Movement Planning Design Guide (2023).**

Reason: To ensure that the car parking arrangements are satisfactory and are in accordance with up-to-date guidance.

17. **Prior to the first use of the development hereby permitted, provision shall be made for at least 20% of the car parking spaces to have active provision for EV charging and at least 30% of the car parking spaces to have passive provision for EV charging.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

18. **Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.**

Reason: In the interests of good planning and to enable a planned approach for connectivity and sustainable modes of transport and movement in accordance with Policy CS8 of the Dacorum Borough Core Strategy (2013).

19. **Prior to the first use of the 'Proposed Forklift Access' as annotated on Drawing 2018-4189-001-P11, an 'Alternative Footpath Scheme' shall be submitted to the Local Planning Authority for approval. The scheme shall be based on the illustrative details previously submitted to the council and shall include details of the proposed footpath routes, surfacing material, boundary treatment (if applicable) and any other necessary features (such as proposed gates, kissing gates and other access points). The parts of the proposed Alternative Footpath Scheme on land within the applicant's control shall be carried out in accordance with the approved details prior to the first use of the new forklift access points.**

Reason: To ensure construction of a satisfactory development and in the interests of highway and pedestrian safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023). To ensure that the wider health and safety benefits associated with the re-location of the footpath are realised, which forms part of the overall planning balance.

20. **No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:**

- a. **Construction vehicle numbers and type;**
- b. **Access arrangements to the site;**
- c. **Traffic management requirements;**
- d. **Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- e. **Siting and details of wheel washing facilities;**
- f. **Cleaning of site entrances, site tracks and the adjacent public highway;**
- g. **Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**

- h. Provision of sufficient on-site parking prior to commencement of construction activities;**
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- j. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; and**
- k. Phasing Plan.**

**The construction of the development shall only be carried out in accordance with the approved CMP.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).

- 21. Prior to the commencement the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority.**

**The CEMP shall set out, as a minimum, the proposed demolition, earthworks and construction methodology. The CEMP shall outline site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements, by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP.**

**The development shall be carried out in accordance with the approved details.**

Reason: To achieve high standards of sustainable demolition and construction; ensure that local air quality standards are maintained throughout the area; and reduce the environmental impact of the construction and impact on the public highway and amenities of neighbouring residents in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004), Policies CS8, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2023).

- 22. No heavy goods vehicles shall enter or leave the site between 23:00 and 06:00 on any day.**

Reason: To avoid night time disturbance in this rural/countryside location and to limit impacts on the locality in terms of residential amenity in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and paragraph 135 (f) of the National Planning Policy Framework (2023).

- 23. A Noise Management Plan (“NMP”) shall be provided to the Local Planning Authority prior to commencement, detailing measures to contain and reduce noise transmission to the surrounding environs. The NMP shall be enacted before first use of the site and maintained in perpetuity.**

Reason: To avoid night time disturbance in this rural/countryside location and to limit impacts on the locality in terms of residential amenity in accordance with Policy CS12 of the Dacorum



Borough Core Strategy (2013) and paragraph 135 (f) of the National Planning Policy Framework (2023).

- 24. The proposed external lighting shall be in accordance with the 'External Lighting Proposals' (Issue 2, 12 June 2023 by Shepherd Brombley Partnership) and 'External Lighting Layout' (Drawing: 0244/E/200, Revision 2). The external lighting shall be retained and maintained in-line with these approved specifications.**

Reason: To ensure habitat protection and enhancement within the landscape of the development in compliance with saved Policy 113 and Appendix 8 of the Dacorum Borough Local Plan (2004), Policies CS10, CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and Section 15 of the National Planning Policy Framework (2023).

- 25. The trees shown for retention and protection on the approved Tree Protection Plan (referenced: CAS/2022/151) shall be protected during the whole period of site demolition, excavation and construction in accordance with the details contained within the plan. The protection measures shall be retained in place and no materials, plant, soil or spoil shall be stored within the protected areas.**

**The tree works identified in the Arboricultural Impact Assessment and Method Statement by Cantia Arboricultural Services (dated June 2023) and the Tree Protection Plan shall be undertaken in accordance with the details provided.**

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

- 26. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- a. all external hard surfaces within the site;**
- b. other surfacing materials;**
- c. means of enclosure;**
- d. soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and**
- e. minor artefacts and structures (e.g. street furniture, signs, refuse or other storage units, etc.).**

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

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of five 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 (2013).

- 27. Prior to first use of the development hereby approved, a Sustainability and Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide detail on energy demand and supply, carbon**

**emissions, waste and materials, water supply and demand and climate resilience. It shall provide details of measures to demonstrate and achieve reduced regulated carbon emissions of against Part L 2021 (Building Regulations) (as amended). The Statement shall incorporate the passive and active measures set out in Section 4 of the Energy Strategy Report (Issue 1, dated 8 June 2023 by Shepherd Brombley Partnership) to ensure that all of the warehousing units achieve an EPC A rating. The development shall thereafter be constructed and maintained in accordance with the Statement.**

Reason: To ensure that the development combats climate changes, provides a sustainable development and reduces carbon emissions in compliance with Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), as well as Section 14 of the National Planning Policy Framework (2023).

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

5040-PL-001 - SITE LOCATION PLAN  
5040-PL-101-D - BLOCK PLAN (UNITS 1-7)  
5040-PL-102-M - SITE PLAN (UNITS 1-7)  
5040-PL-122-A - LEYHILL ROAD BOUNDARY TREATMENT  
5040-PL-110-A - UNITS 1 TO 4 - FLOOR PLANS  
5040-PL-120-B - UNITS 1 TO 4 - ELEVATIONS  
5040-PL-121-C - LEYHILL ROAD STREET SCENE  
5040-PL-130 - UNITS 1 TO 4 - SECTIONS  
5040-PL-131 - UNITS 1 TO 4 - ASTON MARTIN SECTION  
5040-PL-510-C - UNIT 5 - PROPOSED FLOOR AND ROOF PLANS  
5040-PL-511-B - UNIT 5 - PROPOSED FLOOR PLANS  
5040-PL-520-D - UNIT 5 - PROPOSED ELEVATIONS  
5040-PL-530-A - UNIT 5 - SECTION  
5040-PL-111-B - UNITS 1-4 PROPOSED ROOF PLAN  
5040-PL-610-A - UNITS 6 & 7 - FLOOR PLANS  
5040-PL-611-A - UNITS 6 & 7 PROPOSED ROOF PLAN  
5040-PL-620-C - UNITS 6 & 7 - PROPOSED ELEVATIONS  
5040-PL-630 - UNITS 6 & 7 - SECTIONS  
B18020-TLP-PA01-D - LANDSCAPE PROPOSAL 1/2  
B18020-TLP-PA02-C - LANDSCAPE PROPOSAL 2/2  
B18020-TLP-PA03-D - SITE SECTIONS  
LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

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

The application is also supported by the following documents:

APPLICATION FORM  
5040-PL-010 - BLOCK PLAN PRIOR TO DEMOLITION  
5040-PL-103-D - BLOCK PLAN (UNITS 8-14)  
5040-PL-104-F - SITE PLAN (UNITS 8-14)  
2018-4189-001-P11 - PROPOSED ACCESS ARRANGEMENT FULL PLANNING APPLICATION (PHASE 1)  
2018-4189-002-P11 - PROPOSED ACCESS ARRANGEMENTS & OFF-SITE HIGHWAY WORKS  
2018-4189-004-P3 - VEHICLE SWEEP PATH ASSESSMENTS PROPOSED ACCESS ARRANGEMENTS

2018-4189-005-P4 - VEHICLE SWEEP PATH ASSESSMENTS HEAVY GOODS  
 VEHICLES - PHASE 1  
 DESIGN AND ACCESS STATEMENT  
 ECONOMIC STATEMENT  
 ENERGY STRATEGY REPORT (ISSUE 1)  
 EXTERNAL LIGHTING PROPOSALS (ISSUE 2)  
 BIODIVERSITY NET GAIN LETTER (9999/RW/001.LET.DBC)  
 BIODIVERSITY NET GAIN MATRIX  
 BIODIVERSITY IMPACT ASSESSMENT (9999.VIA.VF)  
 SCHEDULE OF AREAS  
 LANDSCAPE AND VISUAL APPRAISAL  
 DESIGN AND ACCESS STATEMENT  
 METHOD OF CONSTRUCTION STATEMENT  
 SURFACE WATER DRAINAGE STATEMENT (6947-RGP-00-ZZ-RP-C-0500)  
 TOPOGRAPHICAL SURVEY (SHEETS 1-5)  
 PLANNING STATEMENT  
 SUPPLEMENTARY PLANNING STATEMENT  
 SUSTAINABILITY STATEMENT  
 ARBORICULTURAL IMPACT ASSESSMENT AND METHOD STATEMENT  
 (CAS/2022/151)  
 SOFT LANDSCAPING PROPOSALS (CAS/2022/151)

#### APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	<p>Object</p> <p>Whilst we accept the principle of the site being redeveloped for commercial use, we consider that the proposed development would have a greater impact on the openness of the Green Belt than the previous use.</p> <p>We consider that the siting, scale, height, and massing of the proposals are inappropriate and disproportionate. We note that the previous developed area of buildings was 4,900 M2 GIA, these proposals are for buildings totaling 8,664 M2 GIA., an increase of more than 75%.</p> <p>We note that the applicants planning statement states that the previous use generated 130 - 140 vehicular movements per day. We would dispute this number which we consider to be an exaggeration.</p> <p>We also have concerns regarding noise, hours of operation, increased light pollution, footpath relocation, and the additional access.</p> <p>We would welcome the opportunity to engage with the applicant and the planning officer to discuss our concerns all of which we are confident could be mitigated.</p> <p>Further comment received 06.03.24</p>

	<p>Object</p> <p>Due to redirection of public footpath the development proposed does not require the relocation of this footpath which will subsequently mean the circular footpath will cease.</p> <p>Further comment received 30.07.24</p> <p>No objection subject to the inclusion of the amended footpath proposals.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Environmental Health Pollution Team</p> <p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative</p> <p>Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p>Construction Dust Informative</p>

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

#### Waste Management Informative

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

#### Air Quality Informative

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

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

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

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

In addition, mitigation in regards to NOx emissions should be

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

#### Invasive and Injurious Weeds – Informative

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

#### Environmental Health Contamination Team

Having reviewed the planning application submissions and the Environmental and Community Protection (ECP) Team records it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been fully considered and where contamination is present that it will be remediated.

This advice takes into account a review of the:

1) MRH Geotechnical Initial Contamination Investigation report (ref. 231762contam) dated March 2023.

This report was not originally submitted with this application, but it was submitted in support of the 23/01784/MOA application for the Phase Two development of the same site. The report should be added to the 23/01783/MFA application planning records.

2) MRH Geotechnical - Desk Study and Stage I Risk Assessment - February 2023 - 231762/DS.

This report was not originally submitted with this application, but is known to exist and as such should be submitted to the 23/01783/MFA application documentation by the applicant.

As such the following planning conditions will need to be included on any permission that might be granted.

Contaminated Land Conditions:

Condition 1:

(a) No development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority, which includes:

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

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

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

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

Condition 2:

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

Should no ground contamination be encountered or suspected upon

	<p>the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 174 (e) &amp; (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here  <a href="https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm">https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</a></p>
Hertfordshire Building Control	No comment.
Defence Infrastructure Organisation (Ministry of Defence)	I can confirm the proposals do not impact on any MOD site or other defence assets.
Lead Local Flood Authority (HCC)	<p>We understand this is a full planning application for a Phase 1 development of light industrial units with open storage, new access road, service yard and a car park on a site located off Leyhill Road in Bovingdon.</p> <p>A Drainage Statement has been produced for the site which also included a preliminary drainage proposal. However, no detailed drainage design has been submitted as part of this application, which is one of the requirements for the developments applying for a full planning permission. A Flood Risk Assessment has also not been provided at that stage.</p> <p>The applicant proposed surface water drainage from the site would discharge into the ground via infiltration by the use of a filter trench located in the Phase 2 area. The applicant also proposed for the majority of the storage volumes required to be held within an attenuation tank before discharging to the infiltration feature. Permeable paving and raingardens are also proposed with addition of a retention separator to provide pollution control before discharging into the ground.</p> <p>Only a preliminary contamination assessment and infiltration testing have been undertaken to date, indicating a permeability rate of 5.22 x</p>



10-6 obtained within the underlying quite cohesive soils, recorded as silty clays / sandy clays. More detailed ground investigations that confirm the depth of the chalk bedrock and associated groundwater levels would be required, along with infiltration testing to BRE 365 undertaken at specific location where infiltration features are proposed. Subject to the testing results, the proposed attenuation tanks should also be considered to allow for infiltration into the ground. We advise the pollution control is carefully considered within the proposed drainage design to ensure acceptable treatment level is provided, which is in line with the CIRIA SuDS Manual C753. In addition, confirmation should be provided that infiltration should not mobilise any existing contaminants in the ground that could lead to the pollution of waterbodies such as the groundwater, watercourses or ponds and wetlands.

We object to this planning application in the absence of the acceptable Flood Risk Assessment (FRA) Drainage Strategy and supporting information relating to:

- o Assessment of flood risk from all sources.
- o Groundwater levels and confirmed infiltration potential.
- o Evidence on how the site is currently drained supplemented by greenfield and brownfield runoff calculations.
- o Evidence of how the storage volumes have been calculated.
- o Full drainage design needs to be provided with appropriate calculations and set of drawings provided as described in the Planning Application Technical Response appended with this letter.
- o Assessment of the potential pollution risk from the site and the appropriate pollution control should be provided.
- o How the proposed SuDS will be maintained throughout the lifetime of development.
- o How the surface water from this development will be managed during construction phase.
- o All other elements covered by the Planning Application Technical Response appended with this letter.

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted in this letter and on the accompanying Planning Application Technical Response document are adequately addressed.

Informative

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide ([hydrosolutions.co.uk](http://hydrosolutions.co.uk))). Applications should use the most up to date FEH2013 data. Other planning applications using FEH2013 rainfall, will be accepted if they are currently at an advanced stage. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at [FRMConsultations@hertfordshire.gov.uk](mailto:FRMConsultations@hertfordshire.gov.uk).

Annex

The following documents have been reviewed, which have been submitted to support the application;

- o Site location plan by LHA, Ref: 5040-PL-001, dated 31 May 2023
- o Surface Water Drainage Statement by RGP, Ref: 6947-RGP-00-ZZ-RP-C-0500, issue 3, dated 19 May 2023

Further comment received 18.03.24

RE: 23/01783/MFA - Phase One: Seven light industrial warehouse units and new open storage use; continued use of open brick storage use for unfettered open storage use (Sui Generis - Builders Merchants Use); new vehicular access from Leyhill Road; associated access roads; service yards; and car parking. Diversion of public footpath; landscaping; fencing and resurfacing - Bovingdon Brickworks Ltd,

Leyhill Road, Bovington, HP3 0NW

Thank you for your re-consultation on the above site, received on 25 January 2024. We have reviewed the application as submitted and wish to make the following comments.

We note a flood risk assessment and drainage strategy report has been submitted (Ref. 6947-RGP-ZZ-00-RP-C-0501, dated January 2024) which supersedes the previously reviewed report by the LLFA (Surface Water Drainage Statement prepared by RGP, Ref 6947-RGP-00-ZZ-RP-C-0500, dated May 2023). It is also noted that a response to the previously issued LLFA comments have been provided in a document Ref. 6947-RGP-ZZ-00-RP-C-0001, dated January 2024.

The proposed drainage scheme proposes to dispose of surface water via deep bore soakaway at multiple locations across the site. The same applies to the proposed foul water disposal from the site following treatment at on-site wastewater treatment facility.

The FRA report supports this method of drainage with soakaway testing results obtained from falling head tests conducted in window sample boreholes. The proposed locations of deep bore soakaways are mostly located within close proximity to highways and existing buildings. Also, the recorded depths of chalk strata and the depths of the proposed deep bore soakaways across the site indicate that the soakaways will be shallower than the depths of chalk occurrence. The infiltration rate was obtained from the single tests undertaken in each testing location and not from multiple consecutive tests which would determine the most relevant infiltration rate for the future detailed design.

This is a full application submitted for planning approval for the Phase 1 of this development. An outline application for this project is subject to a separate planning approval (named Phase 2). The FRA and drainage strategy are combined to cover both applications due to the proposal to discharge to the deep bore soakaways.

We advise that you, as the LPA, satisfy yourself that the existing buildings will not be a risk due to subsidence from the deep bore soakaways in the chalk strata.

Disposal of foul water may be subject to separate comments from the Water Company and Environment Agency, considering the proposal to direct foul water to deep bore soakaway. The LLFA have no comment on foul water design and disposal but note that the Environment Agency advise an assessment of the package treatment plant has been provided and will not result in adverse effects on groundwater. It will, however, require a discharge consent from the Environment Agency.

The surface water drainage will also require a discharge consent from the Environment Agency.

We have no objection subject to conditions being attached to any consent if this application is approved. We suggest the following wording. Please note the wording of Condition 3 below should refer to the actual condition numbers of the first 2 drainage conditions in the final decision notice. Similar should be noted for the wording of Condition 5.

#### Condition 1

Prior to commencement of the development, long term groundwater monitoring will be undertaken at a depth of 10m (the deepest borehole installed) to ensure that the seasonally high groundwater will be at least 1m below the base of lowest deep bore soakaway (proposed at a maximum of 4m below ground).

#### Reason

To ensure that the development achieves a high standard of sustainability and to comply with NPPF and the Policies of Dacorum Borough Council.

#### Condition 2

The applicant shall conduct additional soakaway testing at the proposed deep borehole soakaway locations. The infiltration rate should be obtained from the third test at each location and used in the detailed design. The results of the testing shall be submitted to the Local Planning Authority for review and approval prior to the commencement of any construction activities. The applicant shall implement any necessary modifications to the proposed development design based on the findings of the soakaway testing to ensure effective surface water drainage management and minimize flood risk.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 173,175 and 180 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

#### Condition 3

Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage

components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, updated detailed design from Condition 1 and Condition 2, Flood Risk Assessment and Drainage Strategy (Ref. 6947-RGP-ZZ-00-RP-C-0501, Rev. 2, dated January 2024) and Drawings (Ref. 6947-RGP-ZZ-00-DR-C-0550, Rev. P2, dated January 2024) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. Additionally, the following will be required to satisfy this condition:

- a) Following the results from the contamination investigation / remediation plan as requested by the Environment Agency. The applicant shall implement any necessary modifications to the proposed development drainage design based on based on the results and resubmit for the approval from the Local Authority.
- b) Where required to avoid migration of any contaminants into the sensitive aquifer beneath the site, all SuDS features as proposed should be lined with an impermeable layer.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policies of Dacorum Borough Council.

#### Condition 4

The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- a) a timetable for its implementation.
- b) details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

#### Condition 5

Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition [1, 2 and 3]. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the

Creating a cleaner, greener, healthier Hertfordshire Page 4 of 5  
Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Dacorum Borough Council.

#### Condition 6

Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF.

Informative

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide ([hydrosolutions.co.uk](http://hydrosolutions.co.uk))). Both FEH 2013 and 2023 are currently accepted. For the avoidance of doubt the use of FSR and

	FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted.
Trees & Woodlands	<p>Looking at the both applications there are a number of tree removals required to facilitate access and the wider the development. Considering the extent of the development a comprehensive planting scheme will mitigate the loses. I would expect a planting scheme to be submitted after determination so if this can be conditioned I believe that should suffice.</p>
Thames Water	<p>Waste Comments</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>The planning application proposal sets out that FOUL WATER will NOT be discharged to the public network and as such Thames Water has no objection. Should the applicant subsequently seek a connection to discharge Foul Waters to the public network in the future, we would consider this to be a material change to the application details, which would require an amendment to the application and we would need to review our position.</p> <p>The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.</p>

	<p>Water Comments</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>
<p>Hertfordshire Highways (HCC)</p>	<p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:</p> <p><b>REASONS AND COMMENTS</b></p> <p>Whilst HCC has no principal objection to the redevelopment of the Bovington Brickworks site, the Highways Authority currently has concerns about the sustainability of this site and considers that the current proposal fail to maximise sustainable transport option to/from the site as required by HCC's Local Transport Plan (LTP) 4 (May 2018).</p> <p>The village of Bovington is located circa 3.4km south west of the town of Hemel Hempstead, both of which are located in the Dacorum Local Authority of Hertfordshire. The proposed re-development site is located upon the former brickworks site circa 600m south of the Bovington village on Leyhill Road.</p> <p>The brickworks site being separated from the main village by greenspace (donated by the original brickworks, the Boxmoor Trust) either side of Green Lane. The proposal site is mostly bordered to the north east by the existing Pudds Cross Industrial Estate and Loveday Aggregates site (however, within the applicants 'red line' is the track which bound the Loveday site to the north and the access road to the Loveday site from Leyhill Road. The proposal site is further bordered, to the southeast by further green space owned by the Boxmoor trust, to the south west by further Boxmoor Trust land and an existing builders merchants, and to north west by Leyhill Road. Leyhill Road connects the proposal site to the centre of the village of Bovindgon (circa 1.3km) and Hemel Hempstead (circa 4.6km by the B4505 (Chesham Road/ Box Lane). A hybrid application has come forward for a 8,664sqm re-development of the former brickworks site into phases. Phase 1 (4,833.3sqm) applied for in full (23/01783/MFA) and Phase 2 (the subject of this application, 3,830.7sqm, applied for in outline).</p> <p>Sustainable Transport Access</p>



In line with the Policies of LTP4, particularly Policies 1 (the Transport User Hierarchy) and 5 (Development Management) it is essential given the declared climate emergency that this is considered first to unlock a site sustainably.

Sustainable access to the site is currently possible it is not attractive (this is possibly evidenced in the 2011 census where out of the observed trips to the employment are only 3.13% were by foot, 1.12% by bike, 1.57% by bus and 3.58% by rail. The existing footway along the south eastern side of Leyhill Road/ the B4505 to Bovingdon is substandard at circa 1m wide at its widest, with the Leyhill Road section being of particularly poor condition and overgrown in places. The footpath also disappears entirely northeast of Bovingdon, leaving only the 40-50mph road connection to Hemel Hempstead.

Whilst Leyhill Road is posted as a 40mph limit 85% speeds as evidenced in the applicants Transport Assessment (TA) are in excess of this with 85% speeds 45.0mph eastbound and 43.7mph westbound observed.

The applicant however, intends to improve the Leyhills Road/ Chesham Road footway from the just south west of the Hyde Lane roundabout in the village and past the site to its southwester vehicle access, establishing a 3m wide shared use (Pedestrian and Cyclist) route which is a welcome and important step in starting to unlock this site.

The nearest bus stop to the site is located on Green Lane circa 415m (5mins) walk from the existing site access. The bus stop is accessed by a similarly substandard footway along one side of Green Lane and has no covered waiting facilities The bus stop is served by the circa hourly Carousel Buses services the 1/1A and 352 (the 1/1A being hourly and the 352 being 2hourly). Furthermore, these services do not operate into the evening.

No current proposals have been put forward by the applicant to improve the bus stop or the frequency of services by it despite the TA indicating in paragraph 4.5.4 "that a large increase in daily movements in bus travel might be expected". Without, improving the waiting area or the frequency of service an increase in patronage would not be achievable. It is considered by HCC that improvements to the waiting area (covered and sheltered) and improvements to services are vital to finish unlocking this site sustainably.

#### Vehicle Access

Whilst HCC Highways has concerns over an additional vehicle access

onto Leyhills Road in addition to the existing 2 accesses, particularly given that it has been identified that 85%tile driver speeds are in excess of the speed limit; it is noted that this arrangement has been accepted in pre-application discussions and subject to a stage 1 Road Safety Audit (RSA) which has been responded to. Therefore, HCC Highways are willing to accept the proposed vehicle arrangements.

#### Travel Plan

HCC's travel plan team has reviewed the applicant's travel plan and consider a number of items need to be addressed before it can be approved.

A commitment to providing Individual Travel Plans where required by HCC by Appendix A of HCC's Highway Travel Plan guidance (see [www.hertfordshire.gov.uk/travelplans](http://www.hertfordshire.gov.uk/travelplans)) is required;

The details of the Travel Plan Co-Ordinator (TPC) along with those of a secondary contact are required. If this is unavailable at this time details of an Interim TPC are required;

A statement of commitment from the management team to the plan and remedial measures if required is needed;

In addition to the measures identified presented (TP Paragraph 6.1.3) details of improvements to the bus service along with the identification of measures such as: the use of low emission vehicles, consolidation, timings outside of peak hours - which can be further tailored to appropriate businesses once occupiers are known;

A commitment to full annual monitoring of all modes is required so that the TP can be assessed against targets and remedial measures implemented if necessary. Furthermore, HCC Highways use the Modeshift platform (rather than iTRACE mentioned in the submitted TP);

Commitment to a TP Evaluation and Support Fee of £1200 per year (for 5-year plans, index linked to RPI March 2014) for each Travel Plan that is produced is required. The TP Evaluation and Support Fee £6,000 will be secured by a S106 agreement.

#### S106 Contributions

HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.

In the first instance HCC would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1

s106 agreement. This includes the support fee for the aforementioned Travel Plan.

In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF).

This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second stand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.

A review of the TRICS database (considering sites within England and Wales surveyed in the last 5 years pre covid) suggested that a 8,664sqm site of this nature could create approximately 146 jobs jobs (82 associated with this Full application). Therefore,if the development does proceed in order to address the cumulative impact of development HCC would normally expect a Strand 2 contribution of £34,604. This would be allocated to projects identified within HCC's emerging South West Hertfordshire Growth and Transport Plan (SW GTP) and/ or the emerging Dacorum BC LCWIP (Local Cycling and Walking Infrastructure Plan).

Further comments received 28.02.24

Proposal

#### AMENDED PROPOSAL

Phase One: Seven light industrial warehouse units and new open storage use; continued use of open brick storage use for unfettered open storage use (Sui Generis – Builders Merchants Use); new vehicular access from Leyhill Road; associated access roads; service yards; and car parking. Diversion of public footpath; landscaping; fencing and resurfacing'

Recommendation

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 agreed contribution of £22,413.76 and the following conditions:

#### CONDITIONS

1) No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i) Roads, footways
- ii) Cycleways
- iii) Foul and surface water drainage
- iv) Visibility splays
- v) Access arrangements
- vi) Parking provision in accordance with adopted standard
- vii) Loading areas
- viii) Turning areas

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).

2) Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing numbers (2018/4189/001 Rev P11, 2018/4189/002 Rev P11 and 2018/4189/004 Rev P3) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

#### 3) Access Gates – Configuration

Prior to the first use of the development hereby permitted any access gate(s), shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 6 may be reduced to 5.5) metres from the edge of the highway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4) Existing Access - Widened or Improved

Prior to the first use hereby permitted the vehicular access improvements, as indicated on drawing numbers (2018/4189/001 Rev P11 and 2018/4189/002 Rev P11), shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

5) Surface Water

Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

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

6) Electric Vehicle (EV) Charging Points as % of total car parking spaces:

Prior to the first occupation / use of the development hereby permitted, provision shall be made for at least 20% of the car parking spaces to have active provision for EV charging and at least 30% of the carparking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

7) Cycle Parking - Not shown on plan but achievable

Prior to the first commencement of the development hereby permitted,

a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

#### 8) Construction Management Plan

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:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

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).

#### 9) Highway Improvements - Offsite Cycle Route

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing numbers (2018/4189/001 Rev P11 and 2018/4189/002 Rev P11) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

10) Highway Improvements - Offsite Bus Stop Improvements

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number (2023/4189/009 Rev P1) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

11) Rights of Way

A) Design Approval

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

B) Implementation / Construction

Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

12) Travel Plan - Overarching and Plot Travel Plans

No part of the development hereby permitted shall be occupied prior to the approval of the Overarching Travel Plan and the approval of the relevant Plot Travel Plans and the implementation of those parts identified in the approved Overarching Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Overall Travel Plan and the Plot Travel Plans implemented in accordance with the timetable contained therein shall continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

APPROPRIATE INFORMATIVES

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

AN1) 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](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

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

AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

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

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent

water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN6) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN7) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN8) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially

overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsofway/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN9) Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> or by telephoning 0300 1234 40047.

This should be carried out prior to any new apparatus is placed within the highway.

AN10) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website [www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms) or by telephoning 0300 1234047.

AN11) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need

to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

#### COMMENTS

The village of Bovington is located circa 3.4km south west of the town of Hemel Hempstead, both of which are located in the Dacorum Local Authority of Hertfordshire. The proposed re-development site is located upon the former brickworks site circa 600m south of the Bovington village on Leyhill Road. The brickworks site being separated from the main village by greenspace (donated by the original brickworks, the Boxmoor Trust) either side of Green Lane.

The proposal site is mostly bordered to the north east by the existing Pudds Cross Industrial Estate and Loveday Aggregates site (however, within the applicants 'red line' is the track which bound the Loveday site to the north and the access road to the Loveday site from Leyhill Road.

The proposal site is further bordered, to the southeast by further green space owned by the Boxmoor trust, to the south west by further Boxmoor Trust land and an existing builders merchants, and to north west by Leyhill Road. Leyhill Road connects the proposal site to the centre of the village of Bovindgon (circa 1.3km) and Hemel Hempstead (circa 4.6km by the B4505 (Chesham Road/ Box Lane).

A hybrid application has come forward for a 8,664sqm re-development of the former brickworks site into phases. Phase 1 (4,833.3sqm) applied for in full (23/01783/MFA) and Phase 2 (23/01784/MOA) applied for in outline.

Phase 1 (23/01783/MFA) is the subject of this response. Further to HCC Highway's previous recommendation for approval for the application (8 November 2023) the applicant has altered their site layout slightly, and it considered that HCC's comments remain valid.

Further comments received 09.11.23

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 conditions.

## COMMENTS

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The brickworks site being separated from the main village by greenspace (donated by the original brickworks, the Boxmoor Trust) either side of Green Lane. The proposal site is mostly bordered to the north east by the existing Pudds Cross Industrial Estate and Loveday Aggregates site (however, within the applicants 'red line' is the track which bound the Loveday site to the north and the access road to the Loveday site from Leyhill Road. The proposal site is further bordered, to the southeast by further green space owned by the Boxmoor trust, to the south west by further Boxmoor Trust land and an existing builders merchants, and to north west by Leyhill Road.

Leyhill Road connects the proposal site to the centre of the village of Bovingdon (circa 1.3km) and Hemel Hempstead (circa 4.6km by the B4505 (Chesham Road/ Box Lane). A hybrid application has come forward for a 8,664sqm re-development of the former brickworks site into phases. Phase 1 (4,833.3sqm) applied for in full (23/01783/MFA) and Phase 2 (the subject of this application, 3,830.7sqm, applied for in outline).

### Sustainable Transport Access

In line with the Policies of LTP4, particularly Policies 1 (the Transport User Hierarchy) and 5 (Development Management) it is essential given the declared climate emergency that this is considered first to unlock a site sustainably.

Whilst sustainable access to the site is currently possible it is not attractive (this is possibly evidenced in the 2011 census where out of the observed trips to the employment are only 3.13% were by foot, 1.12% by bike, 1.57% by bus and 3.58% by rail. The existing footway along the south eastern side of Leyhill Road/ the B4505 to Bovingdon is substandard at circa 1m wide at its widest, with the Leyhill Road section being of particularly poor condition and overgrown in places.

The footpath also disappears entirely northeast of Bovingdon, leaving only the 40-50mph road connection to Hemel Hempstead. Whilst Leyhill Road is posted as a 40mph limit 85% speeds as evidenced in the applicants Transport Assessment (TA) are in excess of this with

85% speeds 45.0mph eastbound and 43.7mph westbound observed.

The applicant however, intends to improve the Leyhills Road/Chesham Road footway from the just south west of the Hyde Lane roundabout in the village and past the site to its southwester vehicle access, establishing a 3m wide shared use (Pedestrian and Cyclist) route which is a welcome and important step in starting to unlock this site.

The nearest bus stop to the site is located on Green Lane circa 415m (5mins) walk from the existing site access. The bus stop is accessed by a similarly substandard footway along one side of Green Lane and has no covered waiting facilities The bus stop is served by the circa hourly Carousel Buses services the 1/1A and 352 (the 1/1A being hourly and the 352 being 2hourly). Furthermore, these services do not operate into the evening.

However, HCC had concerns over the quality of the waiting facilities at the bus stop (and corresponding stop) to accommodate/ mitigate what the applicant's Transport Assessment (TA, paragraph 4.5.4) identified as "a large increase in daily movements in bus travel". Subsequent to this however, the applicant's transport consultant, RGP, have produced a Transport Assessment Addendum (TAA October 2023) which presents bus stop improvements (Dwg 2023/4189/009 Rev P1). HCC Highways therefore considers that in line with the policies of LTP 4 maximise sustainable transport options to/from the site as far as is reasonable to the scale of development proposed.

#### Vehicle Access

Whilst HCC Highways has concerns over an additional vehicle access onto Leyhills Road in addition to the existing 2 accesses, particularly given that it has been identified that 85%tile driver speeds are in excess of the speed limit; it is noted that this arrangement has been accepted in pre-application discussions and subject to a stage 1 Road Safety Audit (RSA) which has been responded to. Therefore, HCC Highways are willing to accept the proposed vehicle arrangements.

The TAA further explains the operational rotational, etc for the additional access which HCC Highways considers acceptable also.

#### Travel Plan

HCC's travel plan team has reviewed the applicant's updated travel plan and are now content with it for this stage in the planning process although they do indicate that it will require some additional information post planning to discharge the planning condition recommended above when occupants are known. For instance the finalised plan needs to

identify measures surrounding deliveries to units within the site.

#### S106 Contributions

HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.

In the first instance HCC would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1 s106 agreement. This includes the support fee for the aforementioned Travel Plan.

In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF).

This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second stand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.

The applicant's transport consultant RGP within the TAA present an analysis of employment levels across the whole site (both Phase 1 - 23/01783/MFA, and this current application Phase 2 - 23/01784/MOA) and estimates that the site will create 95 jobs. Subsequently the TAA recommends that this full application 23/01783/MFA) contributes £22,413.76. In light of the Strand 1 sustainable transport improvements proposed (cycle way and bus stop upgrades), HCC Highways considers this contribution appropriate and would allocate it to projects identified within HCC's emerging South West Hertfordshire Growth and Transport Plan (SW GTP) and/ or the emerging Dacorum BC LCWIP (Local Cycling and Walking Infrastructure Plan).

<p>Conservation &amp; Design (DBC)</p>	<p>Site context</p> <p>The application site is located on the south-western outskirts of Bovingdon on Leyhill Road leading west towards Botley. The site is set within the Green Belt surrounded by open grassland and immediately adjacent to the eastern boundary is the non-statutory Local Wildlife Site known as 'Bovingdon Brickworks Central'. Bounding the southern boundary is the Bovingdon 008 Public Right of Way, which crosses part of the site in the south-eastern corner. Shantock Hall Lane bounds the site on the western edge.</p> <p>The site is accessed via three vehicle access points off Leyhill Road. The primary access is centrally located on the northern boundary, with a secondary entrance in the westernmost corner. A tertiary access in the northernmost corner connects into a track which follows the north-western edge round to the rear of the site.</p> <p>The existing site has been historically occupied by Bovingdon Brickworks manufacturing and distribution and the Builders Merchants operation. Bovingdon Brickworks ceased production in 2016, since then the open brick storage area now has lawful use as part of the Builders Merchants use [sui generis use]. The brickwork buildings were demolished in October 2022 following confirmation from DBC that Prior Notice of Approval was not required referenced 22/02477/DEM.</p> <p>Site history</p> <p>There is no relevant history on this site.</p> <p>Recommendation:</p> <p>We generally support the principle of development on this site. However, we have some concerns regarding the design of this proposal that should be responded to prior to taking forward to ensure high-quality design is delivered on this site.</p> <p>These relate in principal to the following aspects of the scheme:</p> <p>Building appearance: We generally consider the appearance of the proposed buildings relatively acceptable, however there are some minor concerns regarding the design that we would recommend the applicants respond to prior to taking forward the application.</p> <p>Primarily, the western elevation of units 5no - 7no need to positively respond to the internal vehicular route to the immediate west of the buildings. We suggest that the design should break up the massing and overbearing nature of the buildings, through the inclusion of windows or</p>
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mixed materiality similar to the frontage elevation treatments.

Layout: Some concerns over the retained existing areas of car parking adjacent to Leyhill Road. Despite being set back from the road, the existing car parking areas directly off Leyhill Road have a significantly negative impact on the openness of the Green Belt. A more acceptable approach would be to consider an area of landscape off Leyhill Road with surface car parking set behind the built form.

The proposed building line should follow that of the adjacent buildings on the Aston Martin site. Whilst this existing building is offset from the road, the built form should respond to the orientation of Leyhill Road and would benefit from being perpendicular to the Road rather than slightly offset.

We would like to see greater attempts to connect into the existing footpath, creating a coherent and green network of walking routes across the site that are appropriately separated from the vehicular movement.

Materiality: Generally, the choice of materials has been done with consideration, responding to the historic use of the site reflected in the use of bricks and brickwork detailing.

It is unclear what the proposed boundary treatment will be onto Leyhill Road. We would recommend that a high-quality approach to the boundary treatment is considered. We suggest extending and connecting the existing brick walls to create a coherent and consistent approach to the boundary onto Leyhill Road. Not only would this reflect the historic use of the site, but it would result in a positive treatment of the boundary onto the road.

Landscape: There is an opportunity to respond to and connect into the Local Wildlife Site abutting the application site. We would recommend that the applicants provide direct access into a natural environment, improving connections and the walking environments for the future users of the site.

In addition the development should reflect the natural setting of the site, and the Local Wildlife Site within the scheme. Providing a more diverse landscape strategy across the scheme, this could include but not be limited to the following:

Providing continuous footpaths provided across the site, promoting walking into Bovingdon, linking into the existing bus stop on Green Lane and connecting into the wider walking network;  
Providing footpaths that are separated from the vehicle movement by

	<p>landscaped verges, swales and tree planting [see examples at Stockley Park below].</p> <p>Tree planting, hedgerows and vegetation should be used to screen the extensive areas of surface car parking. [see example at Stockley Park below]</p> <p>Conclusion:</p> <p>We recommend that the applicants consider and respond to the above recommendations prior to taking forward the application.</p>
Strategic Planning & Regeneration (DBC)	See comments on document web portal.
Hertfordshire Ecology	<p><b>ECOLOGICAL IMPLICATIONS</b></p> <p>Thank you for consulting this office on the above application.</p> <p>Overall Recommendation:</p> <p>Application can be determined with no ecological objections (with any informative / conditions listed below).</p> <p>Summary of Advice:</p> <ul style="list-style-type: none"> <li>o Ecological surveys reliable and thorough;;</li> <li>o BNG 10% has been demonstrated and is achievable;</li> <li>o Biodiversity Gain Plan condition required as a separate condition if approved;</li> <li>o BNG secured though condition or S106.</li> </ul> <p>Comments:</p> <p>1. The site has been subject to numerous recent habitat and species surveys, which provide a thorough and reliable baseline understanding of the site. Most of the site is hardstanding, with edges of dense bramble, disturbed ground with a ruderal / colonising flora and some scattered scrub and broadleaved woodland, characteristic of the old brickworks land and adjacent LWS. A small strip of other broadleaved woodland is present within the site linked to boundary habitats. There is an ornamental (drainage) pond on site which will be lost, but this is of little significance. Historically the whole application site was subject to brick clay extraction or associated works and more recent use for builder's merchants and storage. It now supports little intrinsic ecological interest.</p> <p>2. No evidence of badgers, and limited habitats for bats - no buildings are considered suitable. One mature oak tree is considered to have high roosting potential but will be retained. There is no particular bird ,</p>

	<p>other mammal interest or invertebrate interest - although the adjacent LWS to the east is known for butterflies. A low population of Slow worms were recorded within boundary vegetation but otherwise are likely to be absent. Appropriate habitat manipulation can deal with these accordingly. There is no evidence of Great crested newt presence.</p> <p>3. A Biodiversity report showing appropriate Biodiversity metric extracts has been submitted. I have no reason to consider the baseline has not been completed correctly. This indicates a Net Gain of 45.57% will be achieved for habitat units, and 23.59% for hedgerow units, by habitat creation and enhancement within the site. Details for this are proposed within the ecological management plan which has been submitted. Metric Trading Rules have been satisfied. Given all of the BNG delivery is on-site, the enhancements are considered 'significant' and must be secured legally.</p> <p>4. On this basis, I consider this demonstrates that a minimum of 10% BNG can be achieved for this development.</p> <p>5. A lighting scheme has been proposed and appears acceptable in using horizontal luminaires for standard lamps within the site, downward facing lamps elsewhere, and capped bollards, all of which will reduce light spill and glare when viewed from a distance and prevent upward illumination. This should limit the impact of artificial light on the adjacent LWS and local area, which is generally on relatively high ground on the Chilterns dip slope above the Bulbourne Valley.</p> <p>6. A CEMP is proposed and should include provisions to protect species as necessary. I support this.</p> <p>Conditions</p> <ul style="list-style-type: none"> <li>o Biodiversity Gain Plan (BGP) condition. This will need to be informed accordingly by a Habitat Management and Monitoring Plan, although this has largely been provided already and will only need slight amendments to provide the requirements of a HMMP and 30 years of BNG delivery, rather than 10. The plan currently shows provision for species features (bird / bat boxes etc.).</li> <li>o CEMP condition.</li> <li>o Condition or S106 to legally secure BNG. This is separate to the BGP condition, which is independent.</li> </ul> <p>On the basis of the above, I consider that the application can be determined accordingly.</p>
Environment Agency	Thank you for consulting us on the above planning application on 31 July 2023. As part of the consultation, we have reviewed the following submitted document:

o Surface Water Drainage Statement prepared by RGP and dated May 2023 (ref: 6947-RPG-00-ZZ-RP-C-0500)

In addition, we have also considered the following document, submitted under planning application 23/01784/MOA, for the same site. We ask that this document is also formally submitted as part of this application 23/01783/MFA.

o Initial Contamination Investigate prepared by MRH Geotechnical and dated March 2023 (ref: 231762contam).

The site's previous use for clay working, brick manufacturing and waste disposal associated with these uses presents a medium risk of contamination that could be mobilised and impact on controlled waters (specifically groundwater in the underlying Chalk Principal Aquifer) as a result of the proposed redevelopment of the site.

Based on the above information, and our own review of public records, we note that the proposed development site is underlain by a historic landfill (Bovingdon Brickworks landfill); this does not appear to have been considered in the limited contamination assessment. There is uncertainty regarding the exact location and composition of the landfilled material (or other contaminants) and further investigation / assessment will be required to provide confidence that the ground conditions at the site, with respect to potential contaminants that could present a risk to receptors associated with the site, are fully understood.

In addition, we also note that the site is not connected to mains drainage and the proposed development will be reliant on infiltration drainage via soakaways for the discharge of surface water and treated sewage effluent. Again, the drainage aspects of the of the proposed development will require additional assessment to ensure that proposals will not result in the pollution of the underlying Chalk Principal Aquifer and will be compliant with the requirements of the Environmental Permitting Regulations with respect to the discharge of effluents to ground.

Considering the above, we have no objection to the proposed development subject to the inclusion of the following conditions on any grant of decision notice. Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 1 - Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- 1) A preliminary risk assessment which has identified:
  - o all previous uses
  - o potential contaminants associated with those uses.
  - o a conceptual model of the site indicating sources, pathways, and receptors.
  - o potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason**

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraphs 174, 183, and 184 of the National Planning Policy Framework.

**Condition 2 - Unexpected Contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

**Reason**

To ensure that the development does not contribute to and is not put at

unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraphs 174, 183, and 184 of the National Planning Policy Framework.

#### Condition 3 - Infiltration Drainage

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

#### Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraphs 174, 183, and 184 of the National Planning Policy Framework.

#### Advice to Local Planning Authority

Connection to mains foul drainage not feasible (foul drainage assessment submitted)

Based on the information in the above report foul drainage will be treated on site, via a package treatment plant, and the resulting effluent discharged to ground via a soakaway.

The treatment plant will need to be large enough to manage the anticipated maximum site staffing and will must be able to treat the effluent to a quality standard to ensure that it will not result in the pollution of the groundwater beneath the site. The site is underlain by cohesive clay with flints deposits and the soakaway will need to bypass these deposits to be able to achieve the required soakage rates and therefore discharge into the underlying Chalk Principal Aquifer. The Chalk is a regionally important aquifer that provides drinking water and therefore we will need to be satisfied that no other options exist for the disposal of sewage effluent before agreeing to this arrangement.

Discharge of treated sewage effluent to ground will require a Discharge Consent issued by the Environment Agency and we recommend that the applicant engages with a specialist contractor to design the foul drainage system and consult the Environment Agency with respect to the permitting requirements before the system is installed at the site. We are aware of several instances where similar systems have needed to be modified after they were installed to meet the requirements of environmental permitting.

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules

#### Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 183 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation."(<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

#### Advice to applicant

The control of emissions from Non-Road Going Mobile Machinery (NRMM) at major residential, commercial or industrial sites.

Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority.

This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NO<sub>x</sub>), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM<sub>10</sub> and PM<sub>2.5</sub>). Use of low emission technology will improve or maintain air quality and support LPAs and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The Environment Agency can also require this same standard to be applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.

Non-Road Mobile Machinery includes items of plant such as bucket

loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

Rainwater drainage from vehicle parking / roadway areas and roofs  
The current proposal combines rainwater drainage from roofs with surface water flows from roadways and carparking areas prior to discharge via an infiltration trench. We advise against combining these flows prior to discharge as it could potentially complicate the assessment and issue of a Discharge Consent, should it be required. The infiltration of roof water to ground does not need a discharge consent if it is via a dedicated system sealed from any other form of drainage. However, surface water flows from roadways and carparking areas may require a Discharge Consent depending on the usage of these areas (for example low risk temporary parking of personal cars will not require a discharge consent whereas higher risk activities such storage and cleaning of commercial vehicles in parking areas may require a discharge consent if it). The applicant and annual maintenance fees associated with a Discharge Consent are assessed based on the quality and quantity of effluent at the point of discharge; by combining flows there is the potential that the application and maintenance fees will be higher than if the flows were separated. Information relating to Discharge Consent application and maintenance fees can be found: The Environment Agency (Environmental Permitting and Abstraction Licensing) (England) Charging Scheme 2022 ([publishing.service.gov.uk](https://publishing.service.gov.uk))

Advice relating to the reuse of excavated materials  
The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during land development or remediation is waste or has ceased to be waste. Under the Code of Practice:

- o excavated materials can be reused on-site as part of the development, as a planned activity, providing they are fit for purpose and unlikely to cause pollution.
- o excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- o treated materials can be transferred between sites as part of a hub and cluster project.
- o some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the



permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to the position statement on the Definition of Waste: Development Industry Code of Practice, and the waste management page on GOV.UK Waste and recycling - GOV.UK ([www.gov.uk](http://www.gov.uk))

#### Water Resources

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

#### Commercial/Industrial developments

We recommend that all new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption.

We also recommend you contact your local planning authority for more information.

#### Pre-Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at [HNLsustainableplaces@environment-agency.gov.uk](mailto:HNLsustainableplaces@environment-agency.gov.uk).

#### Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

Should you have any queries regarding this response, please contact

	me.
S106/Infrastructure Team (DBC)	<p>Thank you for your email regarding the above planning application.</p> <p>I can confirm that this application does not trigger specific infrastructure requirements under the current Infrastructure Delivery Plan 2017 or the emerging Infrastructure Delivery Plan (2020) which was consulted on as part of the Regulation 18 consultation of the emerging Local Plan.</p> <p>However, infrastructure in the immediate vicinity of the site may be affected and therefore it is advised that relevant infrastructure providers are consulted as appropriate e.g. highways and transportation, emergency services, utilities and flood protection authorities.</p> <p>Dacorum is a Community Infrastructure Levy (CIL) collecting authority and any CIL liability is calculated at the point of grant of permission. Developers should ensure that all CIL matters have been dealt with prior to commencement of the development. Any queries relating to CIL should be emailed to <a href="mailto:CIL@dacorum.gov.uk">CIL@dacorum.gov.uk</a></p>
Urban Design - Lucy Large (DBC)	<p>Following a review of the amended material shared I have compiled the following comments:</p> <ul style="list-style-type: none"> <li>o The revised layout appears to be in accordance with previous design comments and is considered to be an overall improvement;</li> <li>o The relocation and adjustments to unit 5no are considered to be acceptable from a design perspective;</li> <li>o The proposed boundary treatment at the main entrance and E H Smith Entrance are considered to be acceptable. As discussed on site, the areas of retained 'galvanised palisade fencing' is only agreeable due to the existing hedgerow and tree planting. As it was agree, we would not want to disturb the established vegetation, so have retained portions of existing fencing. However, if this vegetated belt was to be cut back or removed, we would want to see a continuation of the proposed brick wall and fencing.</li> <li>o The variation in materials on units 5no - 7no has not achieved the desired effect. The original feedback was that the primary concern was that 'the western elevation of units 5no - 7no need to positively respond to the internal vehicular route to the immediate west of the buildings. We suggest that the design should break up the massing and overbearing nature of the buildings, through the inclusion of windows or mixed materiality similar to the frontage elevation treatments.' Whilst the applicant has discounted the inclusion of windows it remains that these elevations are overbearing and unattractive. We previously suggested employing materials in a similar style to the frontage treatment that breaks up the vertical nature of the building. Whilst windows have been discounted, we would encourage the applicants to</li> </ul>

	<p>explore the possibility of including un-opening glazed features at the upper level of these elevations.</p> <p>o The proposed materials for Unit 5no are not considered to represent good design. In the first instance improvement to the North Elevation - facing Leyhill Road, needs to have consideration for the its prominence in the site and from the main entrance. As such, the corner should be designed as a feature. Overall, the materials need to work hard to reduce the overall appearance of the unit. We would recommend a horizontal emphasis with a continuous plinth that wraps the buildings. There needs to be more horizontal emphasis, creating more continuous bands of material around the building to visually reduce the massing. Rather than the unbalanced and somewhat disjointed nature of the panelling in the proposed scheme. As an example, bands of lighter coloured materials could extend from the entrance right across the lower portion of the building, creating the appearance of a 'plinth'. Furthermore the design needs to review the focus of the building and put more emphasis on the entrance and corner feature, this could be by introducing a frame around the entrance or extruding part of the structure to visually enhance the entrance [see below examples].</p>
<p><b>Rights Of Way</b></p>	<p>The application site is crossed by a public right of way, Bovingdon public footpath 8.</p> <p>Currently the public footpath passes along the SE boundary of the industrial site, crossing the vehicular crossover for the area of brick storage, before turning in a more easterly direction away from the works. The vehicular crossover has long been a safety concern and an addition of 2 more will only add to that concern.</p> <p>The proposed diversion route is a significant improvement for the general public. Aside from dealing with the safety issues already mentioned, the new path will be constructed to provide an all-weather surface, across as flat a ground as possible, improving access for all users.</p> <p>The new route is aesthetically an improvement, as it takes users away from the industrial area, through land managed by the Boxmoor Trust with the enhancement of nature in mind.</p>

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support

18	4	1	2	1
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## Neighbour Responses

Address	Comments
<p>Pudds Cross Cottages</p> <p>Pudds Cross Bovingdon Hemel Hempstead Hertfordshire HP3 0NJ</p>	<p>I am making a neutral comment on the applications for both 23/01783/MFA and 23/01784/MOA, I am making this representation as a local resident of Pudds Cross. I appreciate that the EH Smith site does require development and is brownfield land. My comments below are my view of the application and what it would be positive for DBC to consider when reviewing whether to grant permission and amendments and conditions if it is granted. I have highlighted where I think my comments are supported by relevant Core Strategy policies, but conscious there may be others that are also relevant in relation to my comments.</p> <p><b>Access from Ley Hill Road</b></p> <p>The new Access from Ley Hill Road would have a wider impact on the street scene from Ley Hill Road and increase the intrusion into the greenbelt. My preference to ensure a greener approach would be to utilise the current access from Ley Hill Road for both the current EH Smith site and the new industrial units. In 2001-2004 the new access was granted for the overly wide double access point for the trade vehicles near the junction of Shantock Hall Lane and Ley Hill Road. This proposal would mean there are now three access points from Ley Hill Road to the one EH Smith owned development, further access points have a negative impacted on the perceived over-development and openness of the greenbelt.</p> <p>Whatever option is chosen for the access from Ley Hill, the entranceway(s) and street view should be designed in a way that is minimal intrusion, and given the Chiltern AONB consultation for its expansion which may include this area within the future and that Ley Hill Road leads directly to the Chilterns AONB it would be prudent where possible to design its road frontage to align with the Chiltern AONB Design Guide such as the; Landscape Setting; Agricultural and other rural employment buildings; and paving and other hard surfaces.</p> <p>I appreciate that the removal of the dead and dying trees along Ley Hill Road is necessary. These predominantly beech trees are shallow rooted and have unfortunately been negatively impacted and likely dying due to the previous development on the EH Smith site where hard standing and excavations have taken place right up to the EH Smith boundary fence. I note that I am unable to see the documentation from the 2001-2004 applications which may have permitted this such as: 4/01723/01/DRC; 4/01488/00/FUL; 4/02215/00/FUL and 4/00544/04/DRC. I would like to see that any new planting is fully protected in perpetuity and that a living green screening of trees and hedges is provided along Ley Hill road irrespective of future development. A preferred and desirable outcome would be if EH Smith relinquished some of the recently developed hard standing that has had detriment to the mature trees to provide a thicker hedging and</p>

screen along Ley Hill Road, allowing trees to grow to their full height, recognising the historic value in that there has been a belt of woodland here for centuries (as outlined in their application and can be seen in historic maps). An increase in the width of this banding of trees would provide both noise attenuation and have a positive impact on the street scene and development in the greenbelt.

These comments are primarily in relation to: POLICY CS24: The Chilterns Area of Outstanding Natural Beauty and POLICY CS25: Landscape Character

#### Sound

Audible vehicle sounds are currently produced from within the red line boundary which can be heard from the residential properties at Pudds Cross, as well as within the neighbouring amenity space. This includes outside of the 7.30am - 5.30pm timeframe with regular working from around 6.30. All operations of the new site should be restricted to the 7.30-5.30 working week to minimise impact on the local community. The current sound is generally what sounds like the reversing sound of forklift trucks and on-site vehicles. It is requested that as part of any proposed development all operations and vehicles operating within the red line boundary during and after construction should use White Noise reversing alarms which would be far less intrusive to local residential properties and operate within the planning requirements. This is linked to: POLICY CS32: Air, Soil and Water Quality as well as 26.19 of the Countryside Place Strategy

#### Light

Light from the current EH Smiths, primarily the night-time security lighting is both inward and upward facing, this produces a large dome of light and produces a high amount of evening light pollution, this has a negative impact on the amenity and environment. This source of light is clearly visible from the Chilterns AONB (in Ley Hill), and can be seen as a bright beacon when driving back towards Pudds Cross. Care should be taken with the proposed development to ensure that the lighting is as low level as practicable, and that within the red line boundary the current lighting is having a minimal impact on the amenity, environment and Chilterns AONB. This is linked to: POLICY CS32: Air, Soil and Water Quality as well as 26.19 of the Countryside Place Strategy

#### Habitat improvements

I am pleased to see the inclusion of additional habitat features, such as bird and bat boxes, as well as habitat features and log piles across the site. This site itself sits between two Local Wildlife Sites (Bovingdon Brickworks and Pocketsdell Lane) so care should be taken to ensure connectivity between those sites is maintained and improved. I would request that it would be beneficial to increase the number of bird and bat boxes, including those that are attached to or integrated into buildings in perpetuity, this will ensure the buildings themselves also provide additional habitat to local wildlife, rather than just the surrounding trees. It is also noted that there historically used to be House Martin nests demolished site and future habitat should be provided for this species. This is in relation to POLICY CS26: Green Infrastructure

	<p><b>Design</b></p> <p>I am really pleased to see that all the roofs contain photovoltaics. Regarding the aesthetic of the design, my feedback would be that to ensure a minimal, more conducive with the vernacular of the area, and appropriate for greenbelt development primacy should be given to the brick effect and wood effect (or using actual wood) cladding, this is of particular importance for all of the publicly visible parts of the building. Noting that a natural tone may reduce the impact of the buildings on the greenbelt. I note that the vertical wood effect cladding design is proposing to use a single RAL colour (they have stated RAL9007 (grey)) for the wood effect cladding. However, for clarity I would suggest that instead of using a block colour to ensure they use the Rockpanel Woods effect vertical cladding. This is in relation to POLICY CS25: Landscape Character</p> <p>Thank you for considering my comments.</p>
<p>3 Pudds Cross Cottages</p> <p>Pudds Cross Bovingdon Hemel Hempstead Hertfordshire HP3 0NJ</p>	<p>I am writing in response to planning applications 23/01783/MFA and 23/01784/MOA and my comments apply to both applications. I have lived in Pudds Cross for 33 years and am one of E H Smith's closest neighbours.</p> <p>Whilst not objecting to the development of the old Brickworks site per se, I would like to raise a number of concerns that will impact local residents and the local community.</p> <p><b>Increased Traffic and Parking</b></p> <p>I attended the presentation given by E H Smith at the Bovingdon Parish Council Planning Committee meeting. I was concerned that they were quoting a figure of 130 vehicle movements a day when the Brickworks was operational to support their view that there would be very little increase in traffic with the new development. Many people at the meeting challenged that figure, as do I. This development will inevitably bring an increase in traffic, not just to Ley Hill Road but to the surrounding lanes.</p> <p>The proposed addition of a new entrance from Ley Hill Road adds to my concern. I watch drivers either pull out as a vehicle turns into the current site, or speed up as soon as the vehicle has turned. Having three access points on the site, plus the proximity to Shantock Hall Lane, which is continually used by lorries travelling to and from the Chicken Farm and farm vehicles to Pudds Cross Farm, represents a risk in my opinion. The speed limit on the road is 40mph although many vehicles travel a lot faster, so a reduction to 30mph could help with road safety.</p> <p>It is a fact of life in any of these developments that there is never enough parking for employees, contractors and visitors. I would like to see consideration given to measures to avoid vehicles being parked on Ley Hill Road otherwise this will be adding to the road safety risks mentioned above. Some HGVs already park on the road early morning, often half on the pavement which restricts usage for pedestrians and damages the pavement.</p> <p><b>Noise</b></p> <p>Given the safety requirements for vehicles to be fitted with reverse alarms and even turning warning sounds, these sounds can be heard</p>

by residents when the E H Smith site is operational. As the development is light industry, it is inevitable that there will be an increase in vehicle movements and consequently an increase in the noise levels.

#### Light

Over time E H Smith have increased the lighting on their site, including illuminated barriers. The Ley Hill Road has no streetlighting, so the lighting makes the site more visible to residents, especially at night. I would like consideration to be given to low level lighting across the whole site which does not negatively impact the amenity of local residents or the nocturnal wildlife on the Boxmoor Trust land.

#### Working Hours

In light of the issues regarding traffic, noise and light pollution, I would like consideration to be given to a restriction on working hours within the new development. None of the other existing businesses have 24/7 operation, most seem to work Mon - Fri and Saturday Morning. They also seem to keep reasonable working hours from around 7am to 5.30pm, although E H Smith do open earlier for deliveries.

#### Signage

If an objective of the development is to be as unobtrusive as possible, I hope that there will be restrictions on the type, size, amount and illumination of any signage used at the entrances.

#### Green Buffer

I note the plans include the removal of dead or dying trees along the Ley Hill Road frontage. I have watched these trees disappear over the years as E H Smith have extended their storage area and sadly the trees that now have to be removed are as a direct result of that expansion failing to give them the necessary conditions to flourish. I hope that within the planting plans a good amount of space has been allocated to provide good quality conditions for the trees and their roots to grow and be sustained.

#### Footpath Diversion

Whilst I understand the requirement to divert the footpath that currently runs through the proposed site, I feel that little consideration has been given how that footpath is used by the community. The current path forms part of a regularly used circular walk along the footpath and back across the path that is currently the proposed diversion. So, it feels like we are losing a footpath and being given in its place a path we already have, thus depriving the community of a popular amenity. Whilst Bovingdon may be in a rural location we have very few green spaces and are grateful to the Boxmoor Trust for providing that land for recreational use.

Would it be possible for E H Smith to move the footpath to their boundary with the Boxmoor Trust land, so we maintain the circular walk? I have added this suggestion to one of the plans but have emailed it separately as I cannot upload files here. The land inside their red line boundary is flat so a 3m wide path would make the path accessible and the addition of an all-weather surface would provide a suitable alternative. I note that in one area there is a deep drop on the Boxmoor Trust side, so it would need some sort of safety fencing in that

	section.
19 Dinmore Bovingdon Hemel Hempstead Hertfordshire HP3 0QQ	With the proposals to build many new houses in and around Bovingdon, I fully support the proposed development by E H Smith to build new units on their site. This could supply much need employment in the area, and will have no adverse affect on the surrounding rural outlook or wildlife in my opinion. The proposed new pathway route is just as nce to walk as the old route.