

**ITEM NUMBER: 5b**

<b>24/01541/FUL</b>	<b>New build 4-bedroom house with associated landscaping</b>	
<b>Site Address:</b>	<b>Little Farm, Rucklers Lane, Kings Langley, Hertfordshire</b>	
<b>Applicant/Agent:</b>	<b>Mr Josh Price</b>	<b>Mr Simon Knight</b>
<b>Case Officer:</b>	<b>Sally Robbins</b>	
<b>Parish/Ward:</b>	<b>Kings Langley Parish Council</b>	<b>Kings Langley</b>
<b>Referral to Committee:</b>	<b>Contrary view of Parish Council</b>	

**1. RECOMMENDATION**

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

**2. SUMMARY**

2.1 The proposal is appropriate development in the Green Belt as it constitutes the redevelopment of previously developed land that will not cause substantial harm to the openness of the Green Belt. The proposed contemporary design and low-profile dwelling will not cause any significant harm to character and appearance of the surrounding area. The use of green roofs is appropriate in this countryside location and the development complies with the relevant policies in terms of amenity space, access, parking and residential amenity.

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

**3. SITE DESCRIPTION**

3.1 The application site is located on the north side of Rucklers Lane in Kings Langley. The site comprises an existing vehicular access off Rucklers Lane, a paddock and a collection of single storey stables and barns in the northern part of the site. The site slopes down towards the south (towards Rucklers Lane) so that the existing buildings are in an elevated position. To the north the site is bounded by the Ancient Woodland of Phasels Wood and the site resides within the Metropolitan Green Belt.

3.2 The surrounding area is rural in character with open fields / woodland immediately surrounding the site. Other nearby land uses include a ribbon of residential development situated to the southeast of the site on Rucklers Lane, Phasels Wood Scout Camp to the west and the A41 situated 200m to the east.

**4. PROPOSAL**

4.1 The application seeks full planning permission for the demolition of the existing buildings/ structures and the construction of a detached, single storey dwelling. The dwelling would comprise 4 bedrooms and an integral double garage. The development would involve excavation into the site, with the proposed built form stepped into the contours of the sloping site. The majority of glazing would be on the south elevation and the dwelling would be finished in light-coloured facing brickwork with a green (sedum) roof. The dwelling would utilise the existing access and driveway off Rucklers Lane. The new residential curtilage would be delineated by a new hedgerow planted to the south of the dwelling, with the paddock area being retained.

## 5. PLANNING HISTORY

None

## 6. CONSTRAINTS

Advert Control: Advert Spec Control  
CIL Zone: CIL2  
Green Belt: Policy: CS5  
Heathrow Safeguarding Zone: LHR Wind Turbine  
LEADS Ecology:  
Parish: Kings Langley CP  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3

## 7. REPRESENTATIONS

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## 8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2024)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)  
Kings Langley Neighbourhood Plan (November 2021)

Relevant Policies:

### *Dacorum Borough Core Strategy:*

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - The Green Belt  
CS8 – Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS26 – Green Infrastructure  
CS29 - Sustainable Design and Construction  
CS32 – Air, Soil and Water Quality  
CS35 – Infrastructure and Developer Contributions

### *Dacorum Borough Local Plan:*

Policy 99 - Preservation of Trees, Hedgerows and Woodlands  
Policy 100 - Tree and Woodland Planting  
Policy 129 - Storage and Recycling of Waste on Development Sites  
Appendix 3 – Design and Layout of Residential Areas

*Kings Langley Neighbourhood Plan:*  
KL3 - Character of Development  
KL4 - Design of Development

*Supplementary Planning Guidance/Documents:*  
Planning Obligations (2011)  
Car Parking Standards (2020)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)  
Place and Movement Planning and Design Guidance for Hertfordshire (2024)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

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

### Principle of Development

9.2 The application site lies within the Green Belt, wherein Policy CS5 of the Core Strategy states that development will be permitted, such as the redevelopment of previously developed sites, provided that it has no significant impact on the character and appearance of the countryside. Section 13 of the NPPF states that development in the Green Belt is inappropriate unless one of a number of exceptions applies, including paragraph 154 g):

*limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*

### *Previously Developed Land*

9.3 Previously developed land is defined in Annex 2 of the NPPF as 'land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed).' It goes on to list a number of exclusions, for example agricultural or forestry buildings, however it does not specifically preclude stables and their associated infrastructure from the definition. It is considered that the collection of stable buildings and immediately surrounding hardstanding in the northern part of the site can be classed as previously developed land. The area to the south, i.e. the open grassed paddock area, does not contain any permanent structures or fixed surface infrastructure, and is therefore excluded from the area of previously developed land in the context of paragraph 154 of the NPPF.

### *Grey Belt*

9.31 The latest iteration of the NPPF has introduced the concept of 'Grey Belt' land. Paragraph 155 a) states that the development of homes in the Green Belt should not be regarded as inappropriate, subject to a number of criteria, including where *'the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt*

*across the area of the plan*'. The definition of Grey Belt is contained within Annex 2, where it is defined as *'land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143'*. The key test to determine whether Green Belt land can qualify as 'Grey Belt' land is to assess how strongly the parcel of land contributes to the purposes of the Green Belt.

9.32 The Stage 1 Green Belt Review (Purposes Assessment by SKM dated November 2013) concluded that the Green Belt within Dacorum generally contributed to the purposes of the green Belt. There were indications, however, that some boundary adjustments could be made without compromising the achievement of the overall purposes of the Green Belt. A number of strategic sub areas that were found to contribute least to the Green Belt purposes were identified for further assessment. The parcel of land within which the site resides was not taken forwards to the next stage (Stage 2 Green Belt Review and Landscape Appraisal by Arup dated January 2016). Of the subareas taken forwards, the nearest is D-S3 which is located to the east of the site, enclosed by the A41 and railway line, and in the vicinity of Rucklers Lane. It is therefore concluded that the application site lies outside of the weakest performing Green Belt land and therefore cannot be considered 'Grey Belt'.

### Impact on Openness

9.4 According to paragraph 153 of the NPPF, when considering applications for development in the Green Belt, local planning authorities are required to ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. However, paragraph 153 is caveated by footnote 55, which states *"other than in the case of development on previously developed land or grey belt land, where development is not inappropriate"*. Therefore, where the redevelopment of previously developed land is proposed, provided that the scheme does not cause 'substantial' harm to Green Belt openness (and is thus appropriate), then the local planning authority need not consider any other harm to the Green Belt (e.g. conflict with Green Belt purposes, visual harm etc.).

9.5 The below assessment will consider whether the proposed redevelopment would cause substantial harm to the openness of the Green Belt. According to the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl and safeguard the countryside from encroachment by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. The concept of openness relates to the lack of development or built form - as distinct from the absence of visual impact. However, it has been well-established by case law that the openness of the Green Belt has a visual aspect as well as a spatial aspect. As such, the impact of a proposal on the openness of the Green Belt should be assessed taking into account both its spatial and visual impact.

### *Spatial Impact*

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

#### Existing

Floor area: 403.3m<sup>2</sup>

Volume: 853m<sup>3</sup>

#### Proposed

Floor area: 383.7m<sup>2</sup>

Volume: 913m<sup>3</sup>

9.7 Based on the above figures, the proposal represents a decrease in floor area of 4.85% and an increase in volume of 7%. The height of the existing buildings on site ranges from 2.2m - 3m. The maximum height of the proposed buildings would be 3m (above existing ground level). In terms of siting, the proposed dwelling would be in the northern part of the site, over the existing developed area. The proposal would consolidate the existing built form of the stable buildings, with the proposed massing brought further away from the woodland to the north. As outlined above, the proposed building would be partially submerged into the hillside. The proposal includes an area of hardstanding to the north of the dwelling to allow for a driveway leading into the garage to the rear of the site. The proposed dwelling would be positioned over the existing developed area and would not sprawl out into open countryside. Whilst there would be a marginal increase in volume, this would be offset by the reduction floor area. Overall, it is considered that the proposed development would not have a greater spatial impact on Green Belt openness compared to the existing development.

### *Visual Impact*

9.8 The site is relatively well-screened from the adjoining highway during the summer months due to dense mature hedgerows along Rucklers Lane. The vegetation cover is less during the winter months and, due to the rising topography away from the road, the site is more prominent during these months. In addition, the site is visible from the surrounding open countryside, although it is noted that the site cannot be readily seen from any nearby public rights of way, the closest of which are public footpath no. KL 019, which is 250m to the southeast, and public footpath no. HH 072, which is 400m to the west.

9.9 Given that the existing buildings on site are equestrian in appearance, i.e. finished in timber with little to no fenestration or reflectivity, it is considered that the proposed dwelling with glazing on the southern elevation, would be more prominent and would have more of a domestic appearance in comparison to the existing development on site. There would be mitigating design features that would help the proposed dwelling to blend into its surroundings, including green roofs, new hedging and the overall built form being partially submerged into the hillside. Nonetheless, it is felt that visually the proposal would have a greater impact on Green Belt openness than the existing development, in that it would be more visually prominent.

### *Summary*

9.10 Bringing all of the above together, it is considered that the proposed development would not have a greater spatial impact on Green Belt openness, however it would have a greater visual impact on Green Belt openness than the existing development by virtue of the increased visual prominence. However, in the context of paragraph 154 g) of the NPPF it is not considered that the level of harm would be substantial and therefore the proposed redevelopment of the site is not inappropriate development in the Green Belt.

### Landscape and Visual Impact (Layout, Design, Scale)

9.11 Core Strategy Policies CS11 and CS12 and paragraph 131 of the NPPF highlight the importance of high-quality sustainable design, seeking to ensure that developments are in keeping with the surrounding area. The site resides within the 'Rural Zone' according to the Kings Langley Neighbourhood Plan, wherein any new development should seek to reduce its impact on the existing open nature of the parish.

9.12 Kings Langley Neighbourhood Plan Policies KL3 (Character of Development) and KL4 (Design of Development) seek to ensure that development proposals conserve and, where practicable, enhance the character of the Character Area in which it is located, reflecting architectural variety found locally and using materials that are in keeping with those used in existing buildings in the

immediate locality. Development proposals should demonstrate a high quality of design, which responds and integrates well with their surroundings.

9.13 The surrounding area is rural in character with open fields surrounding three sides of the site and dense woodland to the north. Residential development is sporadic on this part of Rucklers Lane, gradually increasing in density further towards the east and closer to the settlements of Hemel Hempstead and Kings Langley. The predominant architecture of established residential development on Rucklers Lane is traditional, comprising single and two-storey detached dwellings close to the application site. Further to the east there is a character change, wherein the spacious layout of Lady Meadow, for example, gives way to higher density semi-detached and terraced two storey dwellings on Rucklers Lane closer to the junction with Hempstead Road. In terms of new development in the vicinity, there are contemporary examples, such as the redevelopment at Fairy dell Farm (application refs. 19/02791/FUL and 21/02234/FUL), which collectively comprised 6 modern two-storey dwellings with flat sedum roofs, basement levels and balconies.

9.14 The proposed development comprises a single storey dwelling, which steps down the hillside, following the contours of the landscape. The dwelling would comprise a flat roof planted with sedum and would be finished in light-coloured facing brickwork with stone columns supporting a veranda on the south elevation. Parking would be within an integral garage to the rear of the property and the dwelling would utilise the exiting access from the highway. The proposed site plan shows that a new hedge would be planted to delineate the residential curtilage.

9.15 The proposed dwelling would be set back from the highway and would be screened at street level by dense, mature hedgerows particularly during the summer months. The site is in an elevated position above the main highway, nonetheless it would be seen against the backdrop of the woodland to the rear and would therefore not affect skyline views. Whilst the proposed dwelling would be more visible than the existing weathered stable buildings, it is felt that the overall scale of the dwelling would be low profile and the design is high-quality. There would be longer views from within the open countryside, however it is considered that the proposed layout, scale and design, whilst contemporary, would not cause any significant harm to the character and appearance of the surrounding area. The proposal therefore complies with the above-mentioned policies in terms of its visual impact.

#### Impact on Residential Amenity

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

9.17 In terms of existing occupiers, the nearest residential properties to the proposed dwelling are located 100m to the south (dwellings on the south side of Rucklers Lane) and 115m to the west (Dreamscape). In terms of the visual impact, the proposed dwelling would be single storey and would be screened by existing mature hedgerows and vegetation. In terms of light provision, privacy and noise / disturbance, it is considered that the separation distances are more than sufficient to avoid any significant harmful effects.

9.18 In terms of future occupiers of the proposed dwelling, it is felt that the layout and position of the property would provide a good standard of amenity in terms of outlook, light provision and living space. Taking all of the above into account, the proposed development complies with the above-mentioned policies in terms of residential amenity.

## Impact on Highway Safety and Parking

9.19 The NPPF, Policies CS8 and CS12 of the Core Strategy and the Parking Standards SPD all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers. The parking requirement set out in Appendix A of the Parking Standards SPD is 3 allocated spaces for a four-bedroom dwelling within Accessibility Zone 3. The development proposes two off-street parking spaces within the integral garage and there is sufficient space on the hardstanding outside the garage for at least one additional vehicle. As such, it is considered that the proposal meets the above requirement in terms of parking.

9.20 The existing access would be utilised and no highway works are proposed. The use of the access is likely to be increased due to the change of use, but this would not be by an appreciable amount that would cause a severe impact upon the highway. In terms of sustainability, the site is located approximately 2.5km south of the centre of Hemel Hempstead. The nearest bus stop to the site is approximately 1.9km away and the nearest train station, Apsley, is 2.8km away. Thus, the site is not considered to be in a sustainable location and would be reliant on the private car, however due to the size of development the Highway Authority raises no objection in that respect as the highway impact would not be severe.

9.21 In terms of refuse and waste collection, Manual for Streets states that waste collection vehicles must be able to get within 25m of the bin storage location and residents should not carry waste more than 30m to this location. The proposed refuse bin store would be located close to the access, within the 25m required distance. The bin store would exceed the 30m distance from the dwelling set out in Manual for Streets, however it is not felt that this alone warrants refusal of the application.

9.22 With respect to emergency vehicle access, Herts Fire & Rescue initially commented that it was unclear from the plans submitted as to whether a fire tender would be able to access, manoeuvre and exit the site in forward gear. A swept path analysis was subsequently submitted that demonstrates that an 8.1m long fire tender (the size of vehicle used by Hertfordshire Fire & Rescue) would be able to turn around on site and egress to the highway in forward gear, thus providing fire hose access to within 45m of all parts of the dwelling.

9.23 Taking all of the above into account, it is considered that the proposed development complies with the above parking requirements and would not have an unreasonable impact on the safety and operation of the adjoining highway. The proposal is acceptable from a parking and highway safety perspective and accords with the above-mentioned policies.

## Other Material Planning Considerations

### *Impact on Trees and Landscaping*

9.24 Saved Policies 99 and 100 of the Dacorum Local Plan and Policy CS12 of the Core Strategy seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

9.25 No trees are proposed to be removed or pruned as part of the development. A Tree Protection Plan has been submitted in support of the application, which demonstrates the location of tree protection fencing to protect the root protection areas of trees within the site and in the ancient woodland to the north. A condition is recommended to ensure that the tree protection fencing is implemented prior to commencement of development.

9.26 In addition, new tree planting is proposed, as indicated on the submitted site plan. Further detail in terms of proposed landscaping and tree planting would also be secured by condition. The Council's Trees & Woodlands Officer has been consulted and raised no objections to the application.

being approved. Subject to the above conditions, the proposal complies with the above conditions in terms of impact on trees.

### *Ecology*

9.27 Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Furthermore, Core Strategy Policy CS26 seeks to conserve and restore habitats and species.

9.28 The application site is situated in an ecologically valuable area, with Great/Phasels Woods ancient woodland adjacent to the northern boundary and a Preliminary Ecological Appraisal & Preliminary Roost Assessment has been submitted in support of the application. The County Ecologist has been consulted and has raised no objection to the proposal subject to the inclusion of conditions to secure a Construction Environmental Management Plan and a Biodiversity Enhancement Plan condition. The application is exempt from mandatory 10% Biodiversity Net Gain due to it being a self-build development. However, biodiversity enhancements should still be delivered, in accordance with the above policies, hence the recommended Biodiversity Enhancement Plan condition. Subject to the above conditions, the proposal is acceptable from an ecological perspective.

### *Archaeology*

9.29 Core Strategy Policy CS27 states that features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained. The application site is within an Area of Archaeological Significance and the County Archaeologist notes that there is a potential for undisturbed archaeological remains to be encountered during development. The County Archaeologist has raised no objection to the proposal subject to further archaeological investigations, which would be secured by condition should planning permission be granted.

### *Contaminated Land*

9.30 Core Strategy Policy CS32 seeks to maintain soil quality standards and remediate contaminated land. The Council's Contaminated Land Officer has been consulted and recommended contaminated land conditions, should planning permission be granted, which is considered necessary as the site is brownfield with a proposed change of use to residential with a private garden.

### *Habitats Regulations Assessment – Chilterns Beechwoods SAC*

9.31 As part of its ongoing work to prepare the Local Plan, Dacorum Borough Council is required by law to undertake a Habitats Regulations Assessment (HRA) to understand the impacts that current and planned future growth is having on sites designated under the Habitats and Birds Directive. Evidence gathered to date concludes that the integrity of the Chilterns Beechwoods SAC, particularly at Ashridge Commons and Woods SSSI, is being harmed as a result of public access and disturbance.

9.32 Natural England recognises that there could be a serious potential conflict between the plans for any new housing development in the area surrounding the Chilterns Beechwoods SAC, and the conservation objectives for the protected features there. As such, a mitigation strategy needs to be developed to offset the current harm to the sites.

9.33 The application site resides within the Chilterns Beechwoods 'zone of influence', therefore following advice from Natural England, a mitigation strategy is needed, which sets out the actions necessary to protect the SAC from both existing and future pressures. At a meeting held on 15



November 2022, Dacorum Borough Council Cabinet approved the Chilterns Beechwoods Special Area of Conservation Mitigation Strategy. It also approved two Suitable Alternative Natural Greenspace (SANG) Management Plans for Bunkers Park and Chipperfield Common.

9.34 The new Mitigation Strategy sets out targeted measures to protect the site and to accommodate the predicted pressures associated with future growth within the 12.6-kilometre Zone of Influence that extends from Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). These measures will be delivered through a range of projects by the National Trust over a period of around 80 years (to 2102-2103).

9.35 The National Trust has confirmed that these Strategic Access Management and Monitoring (SAMMS) measures will cost a total of £18.2million. This cost will be shared across all of the affected local authorities. In Dacorum, this means that developers will be required to pay a tariff for each new home built.

9.36 To help to reduce recreational pressures on Ashridge Commons and Woods, alternative green spaces need to be identified. All new developments within the Zone of Influence will need to make provision for a new Suitable Alternative Natural Greenspace (SANG), or alternatively contribute towards the maintenance of a suitable SANG project elsewhere.

9.37 Larger developments (10 or more new homes) must be located close to a suitable SANG. Smaller developments can contribute towards an existing SANG. Developers that are unable to provide a suitable new SANG will be required to make a payment to us towards the long-term management and maintenance of these sites.

9.38 The proposed development would be eligible to financially contribute to the two SANG Management Plans for Bunkers Park and Chipperfield Common, which would be secured via legal agreement should planning permission be granted.

### Community Infrastructure Levy (CIL)

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

## **10. CONCLUSION**

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

## **11. RECOMMENDATION**

11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a

mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

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

Approved Plans:

**328-LFK\_07\_001 P1  
328-LFK\_07\_010 P2  
328-LFK\_07\_110 P2  
328-LFK\_07\_111 P2  
328-LFK\_07\_112 P2  
328-LFK\_07\_311 P1  
328-LFK\_07\_310 P1  
328-LFK\_07\_211 P1  
328-LFK\_07\_210 P1  
328-LFK\_07\_010**

Supporting Documents:

**- TREE SURVEY AND ARBORICULTURAL IMPACT ASSESSMENT dated 28th May 2024 by GHA Trees  
- Planning, Design and Access Statement dated July 2024 by Simon Knight Architects  
- Tree Protection Plan dated Nov 2024 by GHA Trees  
- Preliminary Ecological Appraisal & Preliminary Roost Assessment dated 16th May 2024 by arbtech**

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

- 3. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:**
  - a) Risk assessment of potentially damaging construction activities.**
  - b) Identification of "biodiversity protection zones".**
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).**
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.**
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.**
  - f) Responsible persons and lines of communication.**
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.**
  - h) Use of protective fences, exclusion barriers and warning signs.**

**i) Demonstrate how the development will protect the ancient woodland from any potentially damaging construction activities, and should also include how the works will be carried out under a minimum 15m buffer (outlined in Table 1 of the Preliminary Ecological Appraisal & Preliminary Roost Assessment dated 16th May 2024 by arbtech).**

**Any external lighting should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.**

**The development shall be carried out in accordance with the mitigation measures and recommendations set out in Table 4 of the Preliminary Ecological Appraisal & Preliminary Roost Assessment dated 16th May 2024 by arbtech, with respect to nesting birds, badgers, hedgehogs and reptiles.**

**The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy (2013) and Section 15 of the National Planning Policy Framework (2024).

- 4. Prior to the commencement of the development hereby approved, the tree protection measures shown on the approved 'Tree Protection Plan' dated Nov 2024 by GHA Trees shall be implemented and thereafter retained until completion of the development. There shall be no excavation, changes in levels, storage of materials or access within the root protection areas of retained trees unless previously specified and agreed.**

Reason: In order to ensure that damage does not occur to trees 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 187 of the National Planning Policy Framework (2024).

- 5. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:**

- 1. The programme and methodology of site investigation and recording**
- 2. The programme and methodology of site investigation and recording as required by the evaluation**
- 3. The programme for post investigation assessment**
- 4. Provision to be made for analysis of the site investigation and recording**
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with Saved Policy 118 of the Dacorum Borough Local Plan (2004),

Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 207 of the National Planning Policy Framework (2024).

6. **The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 5.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with Saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 207 of the National Planning Policy Framework (2024).

7. **The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 and the provision made for analysis and publication where appropriate.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with Saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 207 of the National Planning Policy Framework (2024).

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

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

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

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

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

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

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

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

9. **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 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.

10. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

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

11. **Notwithstanding the details submitted, the development hereby approved shall not progress beyond damp proof course until a Biodiversity Enhancement Plan has been submitted to, and approved in writing by, the local planning authority. The Biodiversity Enhancement Plan should include the following:**

- o One integrated bird box, and one integrated bat box should be incorporated into the building plan. The location and type of box should be outlined**
- o One bat box, and one bird box should be erected on retained trees at the northern boundary of the site**
- o One hedgehog gap per fence (where applicable).**

**The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy (2013) and Section 15 of the National Planning Policy Framework (2024).

12. **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:**
- o all external hard surfaces within the site
  - o other surfacing materials
  - o means of enclosure
  - o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs

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

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

Reason: To 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).

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

**Schedule 2, Part 2, Classes A, AA, B and E**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 135 of the National Planning Policy Framework (2024).

#### **Informatives:**

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
2. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

3. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
4. Contaminated Land: Guidance on how to assess and manage the risks from land contamination can be found here: <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm> and here: [https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f\\_8](https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8)
5. Working Hours: Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

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

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

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

6. Construction Dust: Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.
7. Waste Management: Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
8. Air Quality: As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

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

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

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

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

9. Invasive and Injurious Weeds: Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at:  
<https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>
10. Article 35 Statement: Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
<b>Kings Langley Parish Council</b>	Objection Greenbelt and the overall design of the planning application.
<b>Natural England</b>	NATURAL ENGLAND'S ADVICE  OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC)  WITHIN 12.6 KILOMETRES



	<p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <ul style="list-style-type: none"> <li>o Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</li> <li>o Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</li> </ul> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p>
<p><b>Hertfordshire Fire &amp; Rescue (HCC)</b></p>	<p>Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB) Vol 1, section B5, sub-section 13 including Table 13.1.</p> <p>1. Appliance access minimum width of the road between kerbs is to be 3.7m. Minimum width of gateways is 3.1 m</p> <p>Access for an appliance does appear to meet these guidance width stated.</p> <p>2. Access measures more that 45m from the furthest point inside the dwelling to the nearest stopping point for a fire appliance.</p> <p>Dependent on the outcome of a swept path analysis, if required, vehicular access can be increased significantly if a sprinkler system is installed and where the arrival time for the fire service is not more than ten minutes.</p> <p>BS 9991 - 2015 Residential Buildings 50.1.2 states:</p> <p>Where sprinklers, in accordance with BS 9251:2014 or BS EN 12845 (see 11.2, Table 2) are fitted throughout a house or block of flats:</p> <ul style="list-style-type: none"> <li>a) the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5 m above ground level) may be up to 90m;</li> <li>b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level).</li> </ul>

	<p>3. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes.</p> <p>4. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Diagram 13.1 in section B5.</p> <p>The turning facilities do not appear to allow for a turning circle of an appliance. Please could the applicant submit a swept path analysis to demonstrate access and turning facilities using an HFRS vehicle measuring 8.1m long and 2.9m wide.</p> <p><b>WATER SUPPLIES</b></p> <p>For guidance and requirements water for supplies for fire-fighting (Fire hydrants) at this location, please contact Hertfordshire Fire &amp; Rescue Services water officer on 01992 507507 or <a href="mailto:water@hertfordshire.gov.uk">water@hertfordshire.gov.uk</a></p> <p>The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.</p>
<p><b>Hertfordshire Highways (HCC)</b></p>	<p><b><u>Comments received on 18 July 2024 (initial plans):</u></b></p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN1) 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:  <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>AN2) 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</p>

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.

AN3) 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.

Comments/Analysis

Description of Proposal

New dwelling with associated landscaping

Site and Surroundings

Rucklers Lane is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. As per Hertfordshire County Council's new design guide (Place and Movement Planning Design Guide (PMPDG)), Rucklers Lane is classified as a P1/M1 (e.g. Rural Lane). The site is located in a rural area approximately 2.5km south of the centre of Hemel Hempstead. The nearest bus stop to the site is approximately 1.9km away although the route does not have a footway; neither does the route to the nearest train station, Apsley, which is 2.8km away. Therefore, the site would not be considered to be in a sustainable location and would be reliant on the private car; due to the size of development however, HCC would not wish to recommend refusal as the highway impact would not be severe.

Access and Parking

The application does not propose to alter the existing access into the site from Rucklers Lane; therefore, no highway works are proposed.

The proposed dwelling does not impact the existing available visibility from this access. The use of the access is likely to be increased due to the change of use, but this would not be by an appreciable amount which would cause a severe impact upon the highway. There have not been any collisions fronting the site nor within 250m each way from the site.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that two parking spaces have been provided within the proposed garage which is shown on drawing number 328-LFK\_07\_110 Rev P1 to have a parking area measuring 5.9m x 6m. According to the Place and Movement Planning and Design Guidance (PMPDG) and Manual for Streets, a garage should measure 3m x 6m to ensure that a modern vehicle can park, therefore, the proposed is considered a suitable size given it is only approximately 10cm short of the recommended width. Cycle parking has not been mentioned within the application, but it is assumed this can be made available within the private garden of the site as required. Electric vehicle charging should be included in line with DBC standards and Building Regulations.

#### Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and resident should not carry waste more than 30m to this location. Due to the size of the site and the location of the proposed bin stores on drawing number 328-LFK\_07\_112 Rev P1, the carry distance is likely to be exceeded. Ultimately DBC as the waste collection authority must be satisfied with the proposed at the site.

#### Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. This distance is exceeded at the site. The minimum width which is required for an emergency vehicle to enter an access is 3.1m, the width of the access is acceptable however the driveway is smaller than this in places and it is unclear if an emergency vehicle will be able to turn around within the site. Therefore, HCC Fire and Rescue have been asked to comment on the application and HCC Highways comments are made subject to their comments.

#### Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on

	<p>the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application, subject to comments made by HCC Fire and Rescue.</p>
<p><b>Hertfordshire Highways (HCC)</b></p>	<p><b><u>Comments received on 17 December 2024 (amended plans):</u></b></p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Comments</p> <p>Some amended plans have been submitted as part of the application including the swept path analysis / tracking plan for an 8.1m long fire tender (the size of vehicle used by Hertfordshire Fire &amp; Rescue). The details would be considered to be acceptable in this respect to illustrate that such a vehicle would be able to turn around on site and egress to the highway in forward gear.</p> <p>HCC as Highway Authority would not have any other comments in addition to those submitted as part of its original response dated 16/07/2024 and its recommended highway informatives.</p>
<p><b>Hertfordshire Ecology</b></p>	<p>Overall Recommendation:</p> <p>Application can be determined with no ecological objections (with any conditions/informatives listed below).</p> <p>Summary of Advice:</p> <ul style="list-style-type: none"> <li>o CEMP Condition to include mitigation for bats (lighting), nesting birds, reptiles, and badgers.</li> <li>o Biodiversity Enhancement Plan Condition.</li> <li>o HRA required.</li> </ul> <p>Supporting documents:</p> <ul style="list-style-type: none"> <li>o Preliminary Ecological Appraisal &amp; Preliminary Roost Assessment (Arbtech, 16th May 2024).</li> </ul> <p>Comments:</p> <p>The application site is situated in an ecologically valuable area, with Great/Phasels Woods ancient woodland adjacent to the northern boundary. The site comprises four buildings, developed land, other neutral grassland, scattered trees, ruderal vegetation, and a hedgerow.</p>

A Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) was carried out by Arbtech (May, 2024), whereby the site was assessed for its potential to host protected/notable species.

Bats and habitats: The adjacent ancient woodland is classified as an irreplaceable habitat (NPPF). Given the proximity of the development to this habitat, I consider it reasonable to advise that a Construction Environmental Management Plan (CEMP) should be submitted as a Condition of approval. This should have a section to outline how the development will protect the ancient woodland from any potentially damaging construction activities, and should also include how the works will be carried out under a minimum 15m buffer (outlined in table 1 of the ecology report).

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

All buildings and trees onsite were confirmed to be of negligible suitability for bats. However, the adjacent ancient woodland is of high value for foraging, commuting, and roosting bats. Because of this, I consider there to be a considerable risk that the bats utilizing this adjacent habitat will be subject to light disturbance if no mitigation is provided.

Consequently, I advise that the CEMP should include a section on lighting during the construction phase to ensure that any external lighting, whether this be temporary or permanent, does not negatively impact bats, or other nocturnal wildlife.

"Any external lighting should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites".

Nesting birds: Bird nests were located in B2 and B3, and claims in the ecology report indicate that the nest in B2 was active at the time of the survey. Additionally, the boundary vegetation and adjacent woodland will have value for nesting birds. All wild birds, their nests, eggs and young are afforded protection and in general terms it would be an offence to kill, injure or displace breeding birds and their young.

Mitigation for nesting birds is outlined in Table 4 of the ecology report which relates to timings of work, retaining active nests and buffer zones, and precautionary methods to reduce noise levels and disturbance from machinery. I advise that this mitigation should be included in the already conditioned CEMP.

Badgers: The site has value for badgers, and the adjacent woodland is of high value for foraging, commuting, and sett making. A mammal run was found during the survey which was located underneath a rubble pile at the northwester section of the site. A badger hair was also located in a close-by location. Given the evidence that badgers may be utilizing the site, mitigation has been outlined in Table 4 which relates to supervised clearance, covering excavations, night lighting, and chemical storage. I advise that this mitigation should be included in the already conditioned CEMP. This mitigation will also apply to any hedgehogs that may be on site.

Reptiles: The ecology report outlines that the site has potential for reptiles which is owed to the ruderal vegetation, grassland, and rubble piles. Additionally, given the appropriate adjacent habitat in the form of the woodland, it cannot be ruled out that reptiles may be present. However, from the photos, the areas which have value for reptiles are fragmented, and are generally limited to the boundaries. I do not consider it reasonable to request reptile surveys, however, in the absence of mitigation for this group, there is a possibility that an offence may be committed. Consequently, I advise the mitigation outlined in Table 4 should be included in the already conditioned CEMP.

Amphibians: There are no ponds on site, and no known ponds within 500m of the site. Whilst some of the habitat is suitable for great crested newts, given the lack of ponds, I do not consider it likely for them to be onsite. Therefore, no further mitigation is required for this group.

	<p>Chilterns Beechwoods SAC: The proposed development comprises the erection of a four-bedroom house. This suggests a net increase in residential accommodation. Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', the Habitats Regulations 2017 (as amended) apply and we recommend that as the competent authority, the Council must undertake a Habitats Regulations Assessment (HRA).</p> <p>As there is no indication in the application that the tariff(s) will be paid, it is our opinion that adverse effects cannot be ruled out and consent cannot be granted until adequate mitigation is provided.</p> <p>BNG: In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for biodiversity net gain, which came into effect on 12th February 2024, all planning applications granted permission are to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.</p> <p>The biodiversity gain planning condition does not apply in relation to the following exemption which the applicant states the application meets:</p> <p>1. Self-Build and Custom Build Applications and consisting of no more than 9 dwellings on a site no larger than 0.5 hectares.</p> <p>The Ecology Service (LEADS) has not undertaken any scrutiny of the validity of the claimed exemption but taking it on face value in this instance the requirement for mandatory 10% biodiversity gain does not apply.</p> <p>Biodiversity enhancements: In the absence of biodiversity net gain, I consider this development should still seek to enhance biodiversity through enhancement measures. Consequently, I advise that a Biodiversity Enhancement Plan should be submitted as a condition of approval. The plan should include the following:</p> <ul style="list-style-type: none"> <li>o One integrated bird box, and one integrated bat box should be incorporated into the building plan. The location and type of box should be outlined.</li> <li>o One bat box, and one bird box should be erected on retained trees at the northern boundary of the site.</li> <li>o One hedgehog gap per fence</li> </ul>
<p><b>Historic Environment (HCC)</b></p>	<p>Please note that the following advice is based on the policies contained in National Planning Policy Framework (NPPF).</p>



The site lies within Area of Archaeological Significance No.52, as described in the Local Plan. This notes the Prehistoric activity and settlement at Ruckler's Lane. This Historic Environment Record notes evidence of continuous activity during the prehistoric period and later in this area, including Prehistoric features [HER 16581], Neolithic occupation [HER 9959], Late Bronze Age to Early Iron Age occupation [HER 9959], part of a supposed trajectory of a Roman road [HER 4585] and Roman (or later) inhumations [HER 987].

Although the site of proposed development is currently occupied by a collection of stables and barns, site photos provided in the Design and Access Statement submitted with the application show there is likely minimal below ground disturbance caused by these buildings. Furthermore, the proposed site plans show the new dwelling is situated opposite the extant buildings, and therefore, there is a potential for undisturbed archaeological remains to be encountered during development.

I believe that the location of the proposed development is such that it should be regarded as likely to have an impact on significant heritage assets. I recommend, therefore, that the following provisions be made, should you be minded to grant consent:

1. The archaeological monitoring of the removal of footings/hard standings further to the demolition of existing buildings;
2. the archaeological field evaluation of the proposed development area, via trial trenching, prior to development commencing;
3. such appropriate mitigation measures indicated as necessary by that evaluation. These may include:
  - a. the preservation of any remains in situ, if warranted,
  - b. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
  - c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
  - d. such other provisions as may be necessary to protect the archaeological interests of the site;
4. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;
5. such other provisions as may be necessary to protect the archaeological interests of the site;

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 16 (para. 211, etc.) of the National Planning Policy Framework, and relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

	<p>If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.</p> <p>I hope that you will be able to accommodate the above recommendations.</p>
<p><b>Environmental And Community Protection (DBC) - Noise, Odour and Air Quality</b></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 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> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p>

#### 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

	<p>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 <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
<p><b>Environmental And Community Protection (DBC) – Contaminated Land</b></p>	<p>Having reviewed the planning application and considered the information held by the Environmental &amp; Community Protection (ECP) Team in relation to the application site I am able to confirm that there is no objection to the proposed development.</p> <p>However, it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated. This is considered necessary as the site is brownfield with a proposed change of use from commercial to residential with a private garden</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written Preliminary Environmental Risk Assessment Report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report (including an options appraisal and verification plan); if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.</p>

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

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

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

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

Condition 2:

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

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

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

Informative:

The above conditions are considered to be in line with paragraphs 180 (e) & (f) and 189 and 190 of the NPPF 2023.

Guidance on how to assess and manage the risks from land contamination can be found here:

	<p><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> <p>and here:</p> <p><a href="https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8">https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8</a></p>
<b>Trees &amp; Woodlands</b>	<p>According to the information submitted no trees of significant landscape value or amenity will be detrimentally affected by the development. I have examined the information and have no objections to the application being approved.</p>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
3	0	0	0	0

### Neighbour Responses

- None received