

**4/02833/16/MFA - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF SEVEN HOUSES AND ONE LIVE/WORK UNIT WITH ASSOCIATED PARKING AND ACCESS ARRANGEMENTS.**

**VICTORY HOUSE, WILSTONE BRIDGE, TRING ROAD, WILSTONE, TRING, HP23 4PQ.**

**APPLICANT: BrayBeech Homes.**

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[Case Officer - Tineke Rennie]

### **Summary**

The application is recommended for approval. The proposed development provides residential accommodation in the form of seven dwellings and one live/work unit on a brownfield site adjacent to the Grand Union Canal. The proposal is considered to constitute a quality development with an appropriate design response to its canalside and rural environment. The proposed development will improve the appearance of this previously developed derelict site and enhance views to and from the canal. A good standard of living accommodation is provided for future occupants.

### **Site Description**

The site is a triangular shaped site bounded to the south by Grand Union Canal at Wilstone Bridge and to the east by Tring Road just before the junction with Watery Lane. The site is located within the Rural Area just outside the boundary of the village of Wilstone. The village is located south of the canal, separated by a parcel of operational land owned by the Canal and River Trust.

The site comprises Victory House, a two storey detached dwelling constructed after the war, and 14 outbuildings some of which are more structurally sound than others. The buildings range in height from single to two storeys; some are predominantly open and others fully enclosed. The buildings appear to have been associated with the historic use of the site as a coal yard, poultry farm and as a depot for the storage of materials (coal, hay, soot, straw and manure) transported by canal boats to and from London and Birmingham.

The site originally accommodated a wharf and the wharfinger and lock keepers cottage. An additional 'cut' into the north bank of the canal is shown in 1877 to accommodate barges and a range of structures such as animal pens. In 1901 the site was occupied by an egg and poultry dealer and later a hay and straw dealer. The site was taken over in 1910 and used as a coal dealership until the mid-1990's with Victory House replacing the original canal workers cottage between 1918 and 1924. At that time the canal was narrowed to its current width. The current layout of the site appears to have been in place since 1979.

Access to the site is from an entranceway just to the north of Victory House. The access drive extends towards the western corner and an area of hardstanding exists to the west of the dwelling. The site is predominantly covered in outbuildings and hardstanding with overgrown vegetation along the boundaries, between the buildings and within the western corner.

Wilstone Bridge, located to the south-east of the site provides vehicular and pedestrian traffic over the canal to the village of Wilstone. It is constructed in brick and is a Grade II listed building with a 10T weight restriction. It is understood that buses and heavy vehicles use the bridge further to the east over Wingrave Road to access the site and village rather than Wilstone Bridge due to this weight restriction. The junction with Astrope Lane is located to the northeast of the site. The canal towpath is located on the southern side of the canal and provides pedestrian access to the village.

The land to the north and northeast of the site is predominantly open fields with the dwelling Goodspeeds separated by a field to the north and a bungalow Lock View located opposite Tring Road to the east.

## **Proposal**

The proposal seeks to demolish the existing dwelling and all buildings on the site to make way for redevelopment comprising seven new dwellings and one live/work unit. The existing access will be retained with an area of paving opening out within the northern part of the site providing access to parking for the units and the bin store area. A terrace of three x 3-bed dwellings will be positioned perpendicular to the canal at the eastern end of the site; a terrace of three x 4-bed dwellings with one live/work unit will be positioned in a more angular layout in response to the northwest boundary of the site. A detached 4-bed dwelling is proposed within the western apex of the site.

The work component of the live/work unit comprises a single storey lean-to located to the west of the dwelling with a total area of 21m<sup>2</sup>. It has independent access and would share a WC with the dwelling.

Vehicle access is confined to the area adjacent to the entrance with pedestrian access only to the dwellings in the west half of the site. The dwellings will all be set back slightly from the canal with areas of private amenity space for each dwelling located between the dwellings and the canal.

A strip of land exists adjacent to the site on its southern boundary which is owned by the Canal and River Trust. The applicant is entering into an agreement with the Canal and River Trust in relation to obtaining a 21 year licence to maintain this strip of land. Maintenance will become the responsibility of a Management Company in association with the proposed development. This will enable future occupants to benefit from this open strip of land and have control over its future maintenance.

The design of the dwellings is based on a modern warehouse/industrial style featuring shallow pitched roofs with low eaves heights and balconies at first floor. The buildings are to be constructed in yellow stock brickwork at ground floor with cedar board and graphite cladding. Graphite grey standing seam zinc roofs are proposed.

Following discussion with Conservation and Design, the proposals include details of a retaining wall beyond the Wilstone bridge abutment together with a safety railing to provide security for pedestrians walking over the bridge.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Tring Rural Parish Council.

## **Planning History**

None.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Adopted Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development  
CS7 - Rural Area  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS19 - Affordable Housing  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

#### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 21, 23, 57, 58, 99, 106.  
Appendices 3, 5.

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006).  
Landscape Character Assessment (May 2004)  
Planning Obligations (April 2011)  
Affordable Housing (Jan 2013)

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

### **Summary of Representations**

#### Tring Rural Parish Council

Tring Rural Parish Council wishes to object to the plans to develop, with the present plans, Victory House, Wilstone. Our reasons for objecting are the modern warehouse look, with the roofs especially, is not in keeping with the village. We need smaller - lower end of the market for people who live and grown up within the parish, that is 1 or 2 bedroom starter homes.

#### Conservation and Design

##### **Comment**

Victory House has been the site of canal related structures for some time. This originally appears to have been constructed for the lock keeper and a short cut can be seen on the early photos which resulted in a widening of the canal at this point. The structure was used for agriculture but taken over in 1910 and used as a coal dealership until the mid-1990's. Victory House replaced the original canal workers cottage between 1918 and 1924. At that time the canal was narrowed to its current width. In general the other buildings appear modern and of lesser interest. There are two small brick sheds which appear to be of 19<sup>th</sup> century date.

Overall these buildings have some interest but we would not consider that they would be

locally listed. Therefore we would not object to their demolition. It may be useful to record victory house and the older 19<sup>th</sup> century brick buildings and submit a copy of this to the Hertfordshire HER.

The other heritage asset nearby is the listed canal bridge and associated lock. This structure is grade II listed and would appear to have been constructed at the time the canal was built. The proposed new development would be within the setting of the bridge and the lock as it would be adjacent to the site. The bridge gains significance mainly from its architecture and materials but also from its surroundings. The majority of the significance of the bridge is gained from the canal whilst a low level is gained from its prominence in the rural setting. The significance of the locks is gained mainly from the surrounding canal however given the interaction with the lock keeper presumably having lived on the site some significance would be gained from the proposed site. There would from the historic records always appear to have been some form of development on this site in relation to the canal. The proposed development does not impact upon views of the bridge when examined from the tow path in both directions.

Having reviewed the proposals we would comment as follows:

The mass form and scale of the dwellings reflects both agricultural buildings and the warehousing/ industrial character of canal side developments. Although within a rural setting, this site would appear to have had some use over a long period of time connected to transporting goods along the canal. As such we believe that the mass and form is acceptable. The design is of its time. We believe that this is an appropriate response to the setting and the significance of the site. A pastiche form of canal warehousing would be detrimental and harm the understanding of the site and the adjacent canal structures as such we believe that the modern interpretation is the best way to proceed. As such we believe that the proposals would be acceptable.

The only area we would recommend minor alterations would be to the boundary treatments. The rebuilding of the retaining wall adjacent to the bridge needs to be detailed to ensure that it would not cause harm to the setting of the listed bridge. It would also be recommended that the boundary treatment here be a more robust canal warehouse style perhaps similar to the canal house site in Nottingham. It would also be questioned if estate fencing would be appropriate to the rest of this roadside. Given that the area above the entrance is to be a green space it may be better to have a post and rail fence to match the boundary treatment to the field with hedging.

The other concern with the boundary treatment is to the canal side. We would accept that the estate fencing to sub divide the plots although it may be advantageous to plant native species hedging adjacent so that it grows up around the features. However given that the boundary is to the area adjacent to the canal it could be left open. As a general point within the area we would recommend that permitted development rights are removed to prevent the erection of sheds greenhouses etc to allow the space adjacent to the canal to stay as an open space.

Recommendation In general we would support the proposals and recommend approval. External materials and finishes should be conditioned both for the buildings and the hard landscaped area. However the boundary treatment should be reviewed and further details be submitted for the works being proposed adjacent to the listed bridge so that we can ensure that there would not be harm to the setting of the heritage asset. Victory house and the 19<sup>th</sup> century outbuildings should be recorded and a copy of this record deposited in the Hertfordshire HER.

Further comments received on 15.02.2017:

Comment

These comments should be read with the previous comments submitted 17/11/2016. We

believe that the proposals have moved forward in a positive manner and that our concern with regards to planting and fencing of the site is now acceptable. Further details in relation to the works adjacent to the road have also been provided and these are acceptable. We would therefore support the proposals.

#### Recommendation

In general we would support the proposals and recommend approval. External materials and finishes should be conditioned both for the buildings and the hard landscaped area. Victory house and the 19<sup>th</sup> century outbuildings should be recorded and a copy of this record deposited in the Hertfordshire HER. It would be recommended that permitted development rights be removed to protect the setting of the listed building and the views from the canal to the site.

#### Hertfordshire Highways

#### **Decision**

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Hertfordshire County Council as Highway Authority considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to the conditions and informatives below

#### CONDITIONS

1. Visibility splays of not less than 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the altered access onto Tring Road, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway. To achieve these splays the vehicle access is to be moved further north along Tring Road. Construction work shall not commence the applicant has demonstrated that the required visibility splays can be achieved by means of detailed scaled drawings showing the new access arrangements and visibility splays, to be submitted to and subsequently agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

2. Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of all the access, within which there shall be no obstruction to visibility between 0.6m and 2m above the footway.

Reason: In the interest of highway safety.

3. The development shall not be occupied until the access, car parking and turning areas have been constructed and surfaced. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents and businesses.

4. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.

5. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a

permanent ancillary to the development and shall be paved and used for no other purpose.

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway. 6. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

7. The development shall not be brought into use until the new vehicle crossover has been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

5. The proposed car parking spaces must have sufficient manoeuvring space to ensure all vehicles, including service and emergency vehicles, can enter and exit the site in a forward gear. This must be demonstrated by appropriate swept path analysis diagrams, to be submitted to and subsequently agreed in writing by the Local Planning Authority

Reason: The above condition is required to demonstrate that an acceptable standard can be achieved.

7. All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

Reason: In the interest of highway safety and free and safe flow of traffic

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

#### INFORMATIVES:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-

<https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: 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 website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit

mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

## COMMENTS

This application is for Demolition of existing buildings and construction of eight houses with associated parking and access arrangements

## ACCESS

There is an existing access onto Tring Road. In section 6 of the application form, the applicant states that no new or altered vehicle access is proposed. However, document 453416-PEP-00-XX-DR-D-1100 shows a new access subject to a 278 agreement. No details of this new access have been provided; however the applicant is required to provide a detailed plan with the vxo relocated northwards, showing that the required vehicle inter-visibility from the altered access to 0.6m above the brow of the bridge is achievable.

Tring Road is an unclassified local access road, with derestricted speed limit in the vicinity of the proposed development. There have been no collisions resulting in personal injury in the last 5 years. PARKING

Document 453416-PEP-00-XX-DR-D-1100 shows a total of 16 proposed parking spaces. No disabled spaces are shown; however, there are two visitors spaces proposed. Ultimately, the local authority will determine the level of off street parking this site should provide in accordance with their local plan.

## TRIP RATE

The highway authority has no objection in principle to the proposed development, since the overall trip movement from a disused coal depot to residential use will be lower overall.

## REFUSE AND EMERGENCY VEHICLE ACCESS

The applicant has failed to show that the internal layout will allow emergency vehicles to enter and leave the site in forward gear. Swept path analysis diagrams are required to show that service and emergency vehicles have adequate turning space to be able to enter and leave the development in forward gear.

No information has been supplied regarding arrangements for the storage and collection of refuse. Details of refuse storage and collection must be supplied

## CONCLUSION

If the local planning authority is minded to grant planning permission then the highway authority would respectively ask that they include the above requested conditions/informative to any decision notice they grant.

Further comments were received from Highways on 09.01.2017:

### **Amendment**

Transport consultant asked that condition 1 requiring access to be moved be reconsidered by highway authority since to do so would be likely to create more conflicts.

### **Decision**

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. Visibility splays of not less than 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access onto Tring Road, as shown in principle on drawing 453416-PEP-00-GL-DR-1300 Revision P02. Construction work shall not commence the applicant has demonstrated that the required visibility splays can be achieved by means of scaled drawings showing the access arrangements and visibility splays, to be submitted to and subsequently agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

3. The development shall not be occupied until the access, car parking and turning areas have been constructed and surfaced. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents and businesses.

4. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.

5. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway. 6. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

7. The development shall not be brought into use until the modified vehicle access has been constructed to the current specification of the Highway Authority and to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

5. The proposed car parking spaces must have sufficient manoeuvring space to ensure all vehicles, including service and emergency vehicles, can enter and exit the site in a forward gear.

Reason: The above condition is required to demonstrate that an acceptable standard can be achieved.

7. All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

Reason: In the interest of highway safety and free and safe flow of traffic

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

**INFORMATIVES:**

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to

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2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to willfully 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 website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

## COMMENTS

This application is for Demolition of existing buildings and construction of eight houses with associated parking and access arrangements

## ACCESS

There is an existing access onto Tring Road. Document 453416-PEP-00-GF-DR-D-1700 shows a modified access subject to a 278 agreement.

Tring Road is an unclassified local access road, with derestricted speed limit in the vicinity of the proposed development. There have been no collisions resulting in personal injury in the last 5 years.

## PARKING

A total of 16 parking spaces will be provided, with one cycle storage space for each dwelling.

## REFUSE AND EMERGENCY VEHICLE ACCESS

The applicant has demonstrated that the internal layout will allow emergency vehicles to enter and leave the site in forward gear, in the swept path analysis diagrams in document 453416-PEP-00-GF-DR-D-1700, therefore meeting the requirements of condition 5 above.

## CONCLUSION

HCC as highway authority considers that the proposals would not have an unreasonable impact upon highway safety or capacity, subject to the conditions and informative notes above.

## HCC Property Services

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 2 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

## Trees and Woodlands

I have reviewed this application, note the as ever well detailed report from Patrick Stileman Ltd and am familiar with the site and surrounding area.

In my view there are no trees of particular note or historical significance either in the context of

the canal or surrounding landscape and none that should be a constraint to reasonable development.

The current trees are pleasant and the better rated ones are shown for retention. The site as currently seen is reminiscent of days now passed and may be seen as rather pleasant in this quiet part of Dacorum. However times change as do demands on land.

Accordingly this site, if granted permission, will change very significantly. I have looked through the submissions and can't see a landscaping scheme, this of course can be conditioned and we look forward to a landscape scheme that is both appropriate for the new site use but also reflects its location and former use next to the canal.

#### Hertfordshire Biological Records Centre

We do not have any biological records (species or habitats) for the application site itself. However the application site is adjacent to the Grand Union Canal (Aylesbury Arm) which has been ratified as a Local Wildlife Site (LWS). There are also cautious reports of otter under Wilstone Bridge, adjacent to the site.

The applicant submitted a bat roost assessment for the site which has concluded that there are no bats roosting in any of the buildings, but they do use the site for commuting and foraging. Other constraints highlighted by the ecological report include breeding birds and the aforementioned LWS. Both breeding birds and bats are protected under the Wildlife and Countryside Act 1981 (as amended) and bats are also listed under the Species and Habitats Regulations. As such these species are afforded protection from deliberate harm or disturbance. In addition due to the proximity of the LWS which will also act as an ecological corridor protection from both direct and indirect impacts must be in place prior to construction. I would therefore recommend that a Construction Environmental Management Plan (CEMP) which should include mitigation/ avoidance strategies for breeding birds and commuting bats, and protection fences for the LWS is **Conditioned** within any planning application. I would suggest the following wording is used.

*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 timings of sensitive works to avoid harm to biodiversity features.*

*E) The times during which construction when specialist ecologists may need to be present on site to oversee works.*

*F) Responsible persons and lines of communication.*

*G) Use of protective fences, exclusion barriers and warning signs.*

*The approved CEMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

#### Environmental Health

The Environmental Health Department advises that any permission which the Planning Authority may give shall include the conditions below:

1. Building work and all related activities on the site, including deliveries and collections shall only take place between 7-30 am and 6-30 pm on weekdays (Monday to Saturday inclusive) and no work shall take place on site on Sundays or Bank Holidays.
2. No waste material, wood or other material shall be burnt on site at any time.

#### Contaminated Land Officer

I write further to Olayinka's memo dated 11 November 2016 and your email to me dated 13 December 2016, attaching the following report. I apologise for the delayed response:

- Geo-Environmental Report; Document Reference: 20653R1; Issue B; WDE Consulting Limited; October 2016

The report states that the current proposed redevelopment is to comprise eight residential dwellings with associated private gardens and parking.

In terms of the site description and walkover observations, the report states that a two-storey residential was situated in the eastern side of the site with a number of brick-built outbuildings,(in a poor state of repair) running along the northern boundary. There was also a wooden ex-coal storage structure situated to the west of the residential dwelling. This structure was in a dilapidated condition, clad in asbestos sheeting/roofing. Fragments of asbestos cement roofing were observed over the site in poor condition. An active septic tank and a 2,500 litre (approximate) LPG tank were situated in the northern portion of the site. The hardstanding tarmac and concrete present were in a poor state of repair. The southern boundary of the site is bounded by the Grand Union Canal. No visual evidence of contamination (i.e. surface staining) was noted on-site.

Anecdotal evidence revealed that the site used to be a coal yard, which was supplied from the adjacent canal. The outbuildings were previously used to house livestock.

Published geological information indicates the site to be underlain by Chalk (West Melbury Marly Chalk Formation and Zig Zag Chalk Formation) with superficial deposits of the Head Formation (Clay, Silt, Sand and Gravel) overlying the bedrock. The bedrock has been designated a Principal Aquifer, whilst the superficial deposits have been designated a Secondary Aquifer. The site does not lie within a Source Protection Zone. The nearest surface water body is the Grand Union Canal to the immediate south of the site; this is unlikely to be hydraulic continuity with the site due to its clay lining. A primary river is situated 207 metres west of the site.

A review of available environmental database information, has noted the following features within influencing distance of the site:

- Potentially infilled land within a 250 metre radius of the site:
  - Canal (1882, 1898, 1923, 1926, 1950) - on-site
  - Pond (1877, 1897, 1926, 1956) - 2 metres to the northwest
  - Disused Canal (1979, 1995) - 5 metres to the south
  - Sewage Works (1979, 1995) - 205 metres to the south
- One electricity substation located 174 metres to the south
- One Part B installation (H&I Glasser Ltd – Pet food/rendering/animals/plant treatment processes - historic) located 208 metres to the south
- Two pollution incidents to controlled water within a 250 metre radius:

- Oils and Fuels (Diesel) located 120 metres to the southwest
- Sewage Materials (Crude Sewage) located 225 metres to the south
- Three licensed discharge consents within a 250 metre radius:
  - Victory House - sewage discharges (on-site)
  - Loch View - sewage discharges (40 metres to the northeast)
  - Wilstone Vicarage – sewage discharges (145 metres to the northwest)
- Two historical potentially contaminative uses within a 250 metre radius:
  - Disused Canal (1979 and 1995) – 5 metres to the south
  - Sewage Works (1979 and 1995) – 205 metres to the south
- One historical electricity substation located 183 metres to the south (1971 – 1995).

The historical map review indicates that in 1877, there were approximately nine unlabelled structures on-site. The canal appears to cut into the southern boundary of the site. By 1899, more buildings had been constructed on-site (approximately fifteen in total); by 1924, this number had reduced to five. The 1971 map edition identifies approximately ten structures on-site, which were labelled as a Coal Yard and Victory House. By 1990, two further buildings had been constructed along the north-western boundary. By 2002, the site layout resembled that of the present day. In terms of the surrounding area, the earliest map edition (1877) identified a road running along the eastern boundary and the Grand Union Canal along the southern boundary. Three ponds were located approximately 200 metres to the north, 160 metres to the west and 120 metres to the south. A river, (running northwest to southwest), was identified approximately 200 metres away. A small residential area lay to the south. No significant changes were noted until the 1971 map edition, when an electricity substation was noted approximately 180 metres to the south. The pond in the south was no longer present. There was also residential expansion in the south. By 1980-1981 a sewage works was located approximately 210 metres to the southwest. By 1990, there was further residential expansion in the south. No further significant changes were noted from this map edition to the present day.

The preliminary risk assessment identifies the following potential sources of on-site and off-site contamination:

On-site:

- Historical Coal Yard
- Septic tank
- Historical Made Ground (potentially present from historical buildings)

Potential contaminants include: hydrocarbons (TPH, BTEX, PAH), heavy metals, inorganics and asbestos.

Off-site:

- Electricity substation
- Historical sewage works
- Potentially infilled land
- Part B activity
- Pollution incidents
- Discharge consents

Potential contaminants include: hydrocarbons (TPH, BTEX, PAH), heavy metals, inorganics, asbestos and ground gas.

The preliminary conceptual site model has identified the following plausible pollutant linkages:

- A moderate risk to human health (on-site residential) associated with on-site sources of contamination via dermal contact, ingestion, outdoor and indoor inhalation and the

consumption of home grown produce.

- A moderate/low risk to human health (off-site residential) associated with on-site sources of contamination via vapour inhalation from dissolved phase contaminants in groundwater migrating from site to neighbouring properties.
- A moderate risk to controlled waters (groundwater) associated with on-site sources via impacted soil leaching to groundwater within the Principal Aquifer.
- A moderate risk to controlled waters (surface water) associated with on-site sources via impacted soil leaching to groundwater and migration to surface water.
- A moderate/low risk to human health (on-site residential) associated with off-site sources via vapour inhalation from dissolved phase contaminant migration from off-site sources.
- A moderate/low risk to human health (on-site residential) associated with ground gas generation from historically infilled land via inhalation of organic vapours and ground gas.

The geo-environmental aspects of the fieldwork comprised the drilling of five exploratory holes (BH1, BH2, BH3, WS1 and WS2) to a depth of between 5.00 and 6.00mbgl and the excavation of three trial pits (TP1, TP2 and TP3) to a maximum depth of 2.5mbgl. Monitoring wells were installed in BH1, BH2 and BH3 for subsequent groundwater and ground gas monitoring. BH1 and WS2 were positioned to target the coal yard and septic tank respectively. All other exploratory holes were positioned to provide general site coverage. The investigation was limited to external areas due to access issues and suspected asbestos panels in a poor state of repair identified within the structures.

The ground investigation identified topsoil/concrete in BH2, WS1, WS2, TP1, TP2 and TP3, which was proven to a maximum depth of 0.20mbgl. Made ground was found in all locations (either beneath the topsoil/concrete or from ground level) to a maximum depth of 1.30mbgl. BH1 and BH2 contained black coal ash fill. Gravelly clay was observed in all locations to a maximum depth of 2.20mbgl. Clay was also observed in all locations except BH3 (silty clay). The clay was proven to a maximum depth of 6.00mbgl. Groundwater was encountered between 1.50 and 3.50mbgl during the intrusive investigation, with the exception of BH3 (not encountered). No significant visual or olfactory evidence of contamination (in soils or groundwater) was noted during the investigation. One round of ground gas monitoring was undertaken (on 29 July 2016). The results are summarised below:

- O<sub>2</sub> ranged from 17.5 to 20.3%v/v
- CO<sub>2</sub> ranged from 0.4 to 2.1%v/v
- No CH<sub>4</sub> or H<sub>2</sub>S was identified
- CO ranged from 2 to 15ppm
- Flow rate ranged from -0.0 to 0.1l/hr.
- Atmospheric pressure was 1001mbar

Seven soil samples were subjected to laboratory analysis for the following parameters:

- Asbestos
- Total phenols
- Total cyanide
- Heavy metals
- BTEX
- MTBE
- Speciated PAH
- Speciated TPH

Concentrations of contaminants were assessed against generic assessment criteria, primarily the LQM S4ULs, and the case of Lead, the C4SL. In the absence of any UK published GAC,

the detection limits were adopted. A residential with home-grown produce end use has been utilised. The screening exercise identified the following exceedances of the adopted GACs:

- Benzo(a)anthracene (GAC - 7.2mg/kg): BH3.1 at 0.20mbgl (12mg/kg)
- Benzo(b)fluoranthene (GAC - 2.6mg/kg): BH3.1 at 0.20mbgl (14mg/kg)
- Benzo(a)pyrene (GAC - 2.2mg/kg): BH3.1 at 0.20mbgl (13mg/kg)
- Diben(a,h)anthracene (GAC - 0.24mg/kg): BH3.1 at 0.20mbgl (1.6mg/kg).

Three groundwater samples were subjected to laboratory analysis for the following parameters:

- pH
- Total phenols
- Total cyanide
- Heavy metals
- BTEX
- MTBE
- Speciated PAH
- Speciated TPH

Concentrations of contaminants in groundwater were assessed against the UK Drinking Water Standards (UK DWS) and UK Environmental Quality Standards (EQS). The detection limit has been used where no standard has been derived. World Health Organisation guidance has been adopted for TPH fractions in the absence of any UK published target value. The screening exercise identified an exceedance of the UKDWS for Lead from the sample taken from BH3 (0.026mg/l compared with the UKDWS of 0.01mg/l).

Gas screening values have been calculated for both CH<sub>4</sub> and CO<sub>2</sub>, based on worst-case conditions recorded during the single round of ground gas monitoring. The screening values for both equated to Characteristic Situation 1, whereby no ground gas protection measures are deemed necessary.

Based on the findings of the intrusive investigation, the preliminary conceptual site model has been revised as follows:

- A moderate risk to human health (on-site residential) associated with on-site sources of contamination via dermal contact, ingestion, outdoor and indoor inhalation and the consumption of home grown produce. (No change in terms of risk rating following intrusive investigation).
- A low risk to human health (off-site residential) associated with on-site sources of contamination via vapour inhalation from dissolved phase contaminants in groundwater migrating from site to neighbouring properties. (Risk rating reduced from moderate/low to low).
- A moderate/low risk to controlled waters (groundwater) associated with on-site sources via impacted soil leaching to groundwater within the Principal Aquifer. (Risk rating reduced from moderate to moderate/low).
- A low risk to controlled waters (surface water) associated with on-site sources via impacted soil leaching to groundwater and migration to surface water. (Risk rating reduced from moderate to low).
- A low risk to human health (on-site residential) associated with off-site sources via vapour inhalation from dissolved phase contaminant migration from off-site sources. (Risk rating reduced from moderate/low to low).
- A moderate/low risk to human health (on-site residential) associated with ground gas generation from historically infilled land via inhalation of organic vapours and ground gas. (Risk rating reduced from moderate/low to low).

In reference to the elevated concentrations of PAHs identified within the upper 0.20m of Made

Ground in BH3, the report states that, as these as non-volatile contaminants, they can be managed via pathway control measures. In respect of the slightly elevated concentration of Lead within the groundwater, this is not considered to present a significant risk to end users and therefore no further actions are recommended. The report states that visible ACM is present on the surface of the Made Ground, which should be segregated via hand picking to prevent the Made Ground from being classified as hazardous for disposal purposes. The report recommends the preparation of a Verification Plan, which will specify the mitigation measures that will make the site suitable for the intended residential land use.

#### **Comments:**

- The main body of the report (including appendices A and B) was provided via email. The email stated that Appendix C was attached to Development Control's electronic filing system. The report makes reference to further appendices (D, E and F), which haven't been provided. Appendix D contains the borehole and trial pit log; appendix E contains the ground gas monitoring results, and appendix F contains the laboratory analytic certificates. Submission of appendices D, E and F are required in order for me to provide a thorough review of the report.
- The historical map review indicates that in approximately 1877 the canal cut into the southern area of the site, which appears to have been subsequently infilled. This feature has not been identified as a potential source of on-site contamination.
- The septic tank was identified as a potential source of on-site contamination, yet associated potential contaminants have not been identified and listed.
- The electricity substation was identified as a potential source of off-site contamination; however PCBs were not identified within the list of potential contaminants of concern. Despite this, I am satisfied that even if PCBs were to be present within the substation, its distance from site (well over 150 metres), coupled with their immobile nature within the soil would mean that any contamination would be localised and thus not affect the site. As such, I wouldn't consider the electricity substation to be a potential source of off-site contamination.
- The historical sewage works, a pollution incident (involving sewage) and discharge consents (also relating to sewage discharge) have been identified as potential sources of off-site contamination, yet associated potential contaminants have not been identified and listed. One of the discharge consents relates to Victory House, as such this would represent a potential source of on-site contamination.
- With the exception of the southern area of the site, the intrusive investigation has achieved good site coverage of accessible areas. The report states that BH1 and WS2 were positioned to target the coal yard and septic tank respectively. All other exploratory holes were positioned to provide general site coverage. The area of infilled canal within the southern area of the site was not identified as a potential source of on-site contamination within the preliminary risk assessment and as such, has not been targeted. The investigation was limited to external areas due to access issues and suspected asbestos panels in a poor state of repair identified within the structures. Consideration should be given to the possibility of undertaking further sampling within the previously inaccessible areas and also within the southern area of site to target the infilled canal.
- The historical map review indicates that in the past, anything up to fifteen buildings historically occupied the site. The report states that access was limited during the intrusive investigation, as such; it is likely that areas of contamination may have gone unidentified. Its use as a coal yard would indicate that likely contaminants would be PAHs, which as the report states, are non-volatile and able to be managed via pathway control measures (e.g. encapsulation beneath buildings and hardstanding, or a cover system within soft landscaped areas).
- Photograph 8 in Appendix B shows evidence of coal ash fill within BH1; however no contaminant exceedances were noted in the sample(s) analysed from this exploratory hole location. In the absence of the borehole and trial pit logs, I am unable to check that

the sampling strategy has targeted all strata exhibiting visual/olfactory evidence of contamination (e.g. a sample should have been taken from the coal ash fill material and sent for laboratory analysis). At present I am unable to establish the depth or thickness of this impacted stratum.

- The ground gas risk assessment appears to have been based on a single round of ground gas sampling only. In accordance with current guidance, a number of return visits are required over a specified period of time. Ideally the monitoring should demonstrate worse-case conditions with respect to ground gas generation (i.e. falling atmospheric pressure etc.) Further ground gas monitoring is required.
- I am in agreement with the report's recommendation for the production of a verification plan, specifying the required mitigation measures.

As further investigative works and remediation are required, I recommend that the two standard contamination conditions be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)).

### Environment Agency

Thank you for your last email and also for your consultation email received on the 26<sup>th</sup> of October regarding the above application, we cannot see that we have any comments to make on this application.

However we have noticed on the application form that the method for foul sewage disposal has been ticked as "Package treatment plant"

Please could you make the applicant aware that:

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

We can confirm that there is a main sewer network within 15m of the site and therefore the foul drainage should be connected to the main sewer.

### Herts Fire and Rescue Services

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal

agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

#### Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: [www.hertsdirect.org/planningobligationstoolkit](http://www.hertsdirect.org/planningobligationstoolkit)

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure firefighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for firefighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for firefighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

### Thames Water Comments

#### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Package Treatment Works - Foul water for this development is not draining into Thames Water assets and therefore does not affect us.

#### Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### Herts Lead Local Flood Authority:

In the absence of an acceptable surface water drainage assessment we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

The Surface Water & Foul Drainage Design and Maintenance Philosophy carried out by PEP reference 453416-PEP-00-XX-RP-D-6200 dated October 2016 submitted with this application does not comply with the requirements set out in the Planning Practice Guide (as revised 6 April 2015) to the National Planning Policy Framework. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the following information is required as part of the flood risk assessment;

3. Details regarding the receiving watercourse/ditch.

### **Overcoming our objection**

To address the above points, please see the below comments;

The drainage strategy is based upon attenuation and discharge into ditch on the boundary of

the site, restricted to 5l/s. Attenuation will be provided onsite for the 1 in100 plus 40% climate change event through the use of permeable paving.

We note that the existing ditch discharges into culvert, we require further details of ditch to confirm its conditions and ensure that there is enough capacity for surface water run-off from the proposed development.

We note that there are no foul sewers within the vicinity. Therefore it is proposed to discharge foul water to an onsite sewage treatment plant. We would recommend the applicant to consult the Environment Agency in relation to the suitability of the proposed scheme.

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

### **Informative to the LPA**

The Grand Union Canal in this location is classified as an Ordinary Watercourse. Therefore any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

The LPA will need to be satisfied that the proposed drainage strategy will be maintained and managed for the lifetime of the development

The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

Further comments were received on 28.12.2016:

Following a review of the additional information provided via email from PEP Group dated 13 December 2016 satisfactorily addresses the points raised in our previous response dated 02 December 2016. We can confirm that we the Lead Local Flood Authority are now in a position to remove our objection on flood risk grounds.

The drainage strategy is based upon attenuation and discharge into ditch, reutilising the existing connection on the boundary of the site, restricted to 5l/s. Attenuation will be provided onsite for the 1 in100 plus 40% climate change event through the use of permeable paving.

We therefore recommend the following conditions to the LPA should planning permission be granted.

### **LLFA position**

#### **Condition 1**

The development permitted by this planning permission shall be carried out in accordance with

the approved The Surface Water & Foul Drainage Design and Maintenance Philosophy carried out by PEP reference 453416-PEP-00-XX-RP-D-6200 dated October 2016 and the following mitigation measures detailed within the FRA:

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
2. Implementing appropriate SuDS measures as shown on the Drainage Strategy drawing.
3. Undertake drainage strategy based on attenuation and discharge restricted at 5l/s and to include permeable paving.
4. Secure clearance works for existing ditches including any culverts and ensure that they shall be kept clear of any obstruction to maintain any surface water flow.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

#### **Reason**

1. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.
1. To reduce the risk of flooding to the proposed development and future occupants

#### **Condition 2**

No development shall take place until a detailed surface water drainage scheme for the site based on the approved Drainage strategy and sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

#### **Reason**

To prevent the increased risk of flooding, both on and off site

#### **Informative to the LPA**

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

## Herts Historic Environment Advisor Comments

Please note that the following advice is based on the policies contained in National Planning Policy Framework (NPPF).

The site of the proposed development is on the north bank of the Aylesbury Arm of the Grand Union Canal, adjacent to Wilstone Bridge and Wilstone Bridge Lock. The present buildings on the site are of early 20<sup>th</sup> century and later date, but they replaced an early 19<sup>th</sup> century lock keeper's cottage and a canal-side wharf. The Aylesbury Arm of the canal was cut in 1813-14, and the cottage and wharf were built in direct association with it. No evidence of earlier use of the site has been identified, and the Heritage Asset Impact Assessment submitted with the planning application assesses its potential to contain archaeological remains (heritage assets) of medieval and earlier date as low. Its potential to contain post-medieval remains is however assessed to be high.

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

The proposed development site possesses potential for the presence of heritage assets with archaeological interest. I therefore recommend that the impact of the proposed development on the historic environment should be mitigated in line with para 141 of the National Planning Policy Framework, and that the following provisions be made for a programme of archaeological works secured by a negative condition, should you be minded to grant consent:

1. A programme of archaeological evaluation (in the form of trial trenches) of the proposed development site – further to the demolition of the existing buildings at the site - before any development commences
1. And such appropriate mitigation measures indicated as necessary by the evaluation.  
These may include:
  - a) the preservation of any archaeological remains *in situ*, if warranted;
  - b) the appropriate archaeological excavation of any remains before any development commences on the site;
  - c) the archaeological monitoring and recording of the ground works of the development (including soil stripping, services, services, landscaping, etc.) as appropriate (and also including a contingency for the preservation or further investigation of any remains then encountered);
  - d) the analysis of the results of the archaeological work with provisions for the subsequent production of report and an archive, and the publication of the results, as appropriate;
  - e) 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 para. 141, etc. of the National Planning Policy Framework, 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 two 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:

Condition A

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

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

Condition B

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

ii) Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A). The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

If planning consent is granted, this office will be able to advise further on the requirements for the investigation and to provide information on accredited archaeological contractors who may be able to carry out the work.

Waste Services Comments

I noticed that the vehicle dimensions used in the vehicle swept path prediction for a refuse vehicle are incorrect and our vehicles are typically 26 ton rigid freighters approx. 10m long and 3m wide with a height of 3.42m.

Houses will need a refuse storage area to contain 3 x wheeled bins and a food caddy and sufficient space to present them outside their boundary on collection day. Nearest the road used by the collection vehicle.

It is more difficult to predict the waste storage requirements of a commercial development but there should be sufficient space for 2 euro containers (1 residual and 1 recycling).

I noticed that the bridge is having work done to it so I wonder if there has been consideration to

the weight of our vehicles.

### Strategic Housing Comments:

Strategic Housing comments are as follows in response to the proposal below:

The site has been considered against the Affordable Housing Clarification Note and its location has been discussed with the council's Strategic Planning team.

The agreement is that the development falls outside of the defined 'rural area' but it is noted that the development will exceed the 1000sqm floor space threshold. On this basis under the Clarification Note, a commuted sum would be sought (see Figure 2b). Below is the methodology for calculating the financial contribution, which we send to any applicant who is looking at providing an off-site provision for a scheme.

1. The land value is divided by the total number of dwellings proposed; this will provide the land value per unit.
1. The affordable housing contribution applicable on the site is calculated by applying the Affordable housing percentage to the total number of units proposed.
1. The financial contribution is arrived at by multiplying the land value per unit by the number of affordable units that would have been required.
  - (Land value / No. of units) x (No. of units x AH percentage) = financial contribution required

It must be noted that any vacant building credit would be discounted against this figure.

### Canal and River Trust Comments

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process.

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The main issues relevant to the Trust as statutory consultee on this application are the impact of the proposal on the waterway corridor, including the listed bridge.

On the basis of on the information available our advice is that suitably worded **conditions are necessary** to address these matters. Our advice and comments (*delete as appropriate*) are detailed below:

#### Design & Layout

The canal provides enormous opportunity to enhance the setting and value of the development and Policy 106 of the adopted Core Strategy states that development adjoining the Grand Union Canal will be expected to make a positive contribution to the canalside environment. As such, the design, scale and materials of new developments and canalside facilities must be appropriate to the environmental and historic character of the canal, and have no adverse impact on its nature conservation interest. Important views both to and from the canal should be retained.

The design, siting, configuration and orientation of buildings optimise views of the water and

generates natural surveillance of water space. The replacement of the derelict buildings and replacement by the proposed dwellings will improve the appearance of the site when viewed from the towpath, the canal bridge and from the water at boat level, and will therefore enhance the visual and environmental quality of the waterway corridor.

The application does not include the three metre strip of land adjacent to the canal, which is currently in the ownership of the Canal & River Trust (the Trust). It is unlikely that this land will be maintained at the level future residents may require, and therefore the applicants should consider including the strip within the application site and providing a comprehensive landscaping plan to maintain this land in the future. The land behind the gardens may become unkempt quickly leading to problems of litter and anti-social behaviour.

#### Landscaping & boundary treatment

There is a group of Ash trees on the rear boundary of the site which overhang the Canal and impede safe navigation. These trees should be removed during the site clearance as their future maintenance will become very difficult once the site has been redeveloped.

The illustrative plans show black 'estate fencing' although this does not appear to be detailed on any other plans. Further details of the rear boundary treatment should therefore be provided. Any changes to the treatment of the rear boundary in the future could have a detrimental impact on the character of the waterway and therefore we request that permitted development rights are removed to control alterations and replacement of this fencing in the future.

#### Wilstone Bridge

The proposal will result in increased vehicle movements over Wilstone Bridge, a Grade II Listed structure. Vehicles approaching the bridge from either side have limited forward visibility due to the nature of the bridge and any increase in traffic and turning movements near the bridge would be detrimental to the safety of all road users, including pedestrians and cyclists wishing to access regional route 66. Additional usage is likely to result in additional maintenance costs to the Trust due to additional damage from vehicle strikes.

Many of the bridges over the Aylesbury Arm have been subject to vehicle impact damage, with repairs to bridges costing several thousand pounds per strike. As part of this development we are considering requesting Section 106 funding for physical measures on the highway in order to reduce the likelihood of damage to the bridge. At present the bridge is single track with poor on-going visibility and no safe provision for pedestrians. Some form of improvement, such as traffic light controls, with a dedicated pedestrian option, would help protect users and offset the additional damage likely to be caused as a result of increased vehicle movements. We would request that the Highway Authority give consideration to whether additional protection is required to mitigate against the increased usage of the bridge with resultant possible impact costs. Other development along the Aylesbury Arm will be providing traffic light signals to overcome this issue.

#### Habitat and Ecology

The proposal shows the retention of the existing trees along the canal, which are outside of the applicants' ownership. As previously mentioned it may be preferable to include this area within the application site, thus allowing planting improvements and maintenance to take place, to the benefit of ecology. The planting in this area should maximise wildlife interest but at the same time not act as a barrier to views into and out of the site as the presence of housing will improve the natural surveillance of the canal environment.

We would suggest that further discussions take place between the applicant and the Trust regarding this land.

## Archaeology

The proposals are considered to make a positive contribution to the setting of Wilstone Bridge (no. 3) and adjoining Canal Lock (no. 8) (both forming part of Grade II list entry no 1067803), albeit involving the loss of the organic character of the late 19th- and early 20th-century buildings currently standing on the application site itself. The Heritage Asset Impact Assessment by Icknield Archaeology considers the potential for the survival of any remains of the wharf and its buildings, including the wharfinger and lock keepers cottage ("Lock Cottage"), to be moderate.

Whilst some loss of buried fabric may have resulted from construction of Victory House (sometime between 1918 and 1924), it is arguable that the probability of some survival is high given that the Lock Cottage lay closer to the waterway. The Heritage Asset Impact Assessment recognises the important associational relationship between the wharf and the former Lock Cottage with the canal bridge and the status of the wharf and cottage as an integral component of the lock and the canal infrastructure at this point. It also convincingly asserts that any increased understanding of relationship between the lock, canal and wharf would contribute to understanding of the wider history of the Grand Junction Canal resulting in an enhanced level of significance being attached to the lock, bridge, wharf and the site of Lock Cottage.

Where groundworks are envisaged for construction of the proposed scheme, including topsoil stripping, excavations for foundations, services and hard and soft landscaping, with the footprint of the Lock Cottage, the applicant should be expected to make provision for a suitable programme of archaeological investigation in line with NPPF and Policy CS27 in Dacorum Borough Council Core Strategy. Evaluation trial trenching could be undertaken where access currently permits to assess the survival of buried remains of the Lock Cottage and associated structures.

In the likely event that remains survive, as full as possible archaeological exposure and recording of these structures should be undertaken. Alternatively, it may be appropriate, subject to access and agreement with the LPA's archaeological adviser, for the archaeological works to be undertaken in a single operation. This work could be required as a condition, but the applicant may wish to progress these investigations in advance of planning in the interest to expediting the construction programme.

Buildings 2 and 9 (numbering from Icknield Archaeology's assessment report) are most likely to have been associated with the Lock Cottage and wharf, since they pre-date Victory House. Given proposed demolition of all existing buildings, it would be reasonable to require Level 2 historic building survey (including interior as well as exterior) of these buildings as well as Victory House itself, particularly as internal access to Victory House was not possible for the historic asset impact assessment.

## Accessibility

The Trust has been working closely with Bucks County Council and Aylesbury Vale District Council to secure improvements to the towpath of the Aylesbury Arm of the Grand Union Canal. Several lengths will shortly be improved as a result of S106 contributions from two development schemes to the East, the Arla Dairy site and the Aylesbury Eastern Extension. Our joint intention has been to improve accessibility for pedestrians and cyclists from the east of Aylesbury into the heart of the town and along the towpath to the Tring Reservoirs as a recreational route. The Aylesbury and Wendover Arms of the Grand Union Canal are part of the Grand Union Triangle and as such there is a joint desire between the relevant Councils to improve usage and public accessible. Whilst this application falls within the remit of Dacorum Council and Herts CC it is hoped that a similar approach will be followed to ensure that the

Grand Union Triangle can become a prime example of fully accessible, cross boundary, sustainable Green Infrastructure.

The Canal & River Trust normally seeks contributions from any development alongside the canal which is likely to result in increased usage of it, to widen and resurface the towpath where necessary or provide enhanced links to it, not only to serve new development but for the benefit of the wider population by improving the green travel network in general. This is in line with our aims to promote sustainable development in the vicinity of the waterway for the public benefit by improving accessibility and public access to the waterways.

We believe that in this case it may be more appropriate to consider a contribution towards improving access to the canal, rather than the towpath itself due to the relatively small number of houses and the characteristics of the bridge leading to the canal towpath.

#### Suggested accessibility improvements

In this instance the Trust wishes to applicant and highway Authority to consider the need to improve highway safety at Wilstone Bridge. We would suggest that the provision of road markings and, if possible, narrowing of the carriageway to provide a pedestrian route or a traffic light priority system will slow vehicle speeds and help to alleviate bridge strikes on the listed bridge. Further investigation and discussion should take place with the Highway Authority to determine the most suitable method of improving both pedestrian and vehicular safety on the bridge. A similar proposals installed elsewhere on the waterway network have been priced at £20,000- £30,000.

Whilst this figure may seem high for a relatively small number of units the increase in value afforded to the dwellings as a result of their waterside location will far exceed this as national studies have shown an uplift in value of up to 20 % for dwellings with a waterside view and up to 10% for other dwellings within the development but not directly facing the water.

The cost of this improvement can be can be determined following a detailed survey of the bridge and following further discussions with the Case Officer and Highway Officer. If the Highway Authority are supportive of this request the Trust will provide a further justification for the request including details of supporting policies.

#### **Conditions & informative**

If the Council is minded to grant permission for this proposal, we would wish to ask for the following conditions to be imposed.

#### Pre-commencement conditions

This condition is required as pre-s commencement condition to prevent damage and pollution during the site clearance and remediation stage.

1. Notwithstanding the plans submitted prior to the commencement of development, details of the proposed protective fencing to be erected to safeguard the waterway infrastructure during construction of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with policy CS32 of the Dacorum adopted Core Strategy and paragraph 109 of the National Planning Policy Framework as the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal.

2. Development shall not begin until a scheme to deal with contamination of the site has been

submitted to and approved in writing by the local planning authority.

- a. No part of the development hereby permitted shall commence until;
- i) an investigation and assessment methodology, including analysis suite and risk assessment methodologies, has been agreed in writing prior to site investigations by the Local Planning Authority.
  - ii) a site investigation and assessment has been carried out by appropriate qualified and experienced personnel to determine the status of contamination [including chemical, radiochemical, flammable or toxic gas, asbestos, biological and physical hazards, other contamination] at the site and submitted to the Local Planning Authority. The investigations and assessments shall be in accordance with current Government and Environment Agency recommendations and guidance and shall identify the nature and concentration of any contaminants present, their potential for migration and risks associated with them.
  - iii) a remediation scheme, which shall include an implementation timetable, monitoring proposals and remediation validation methodology, has been agreed in writing with the Local Planning Authority.
- b. After development commences, if any potentially contaminated (unusual/suspect) material or flammable/toxic gas not previously identified is discovered, then a further assessment and reviewed remediation scheme will be required by the LPA. If no contamination is found then this should be detailed in the completion report.
- c. A written confirmatory sampling and analysis programme with an appropriate risk assessment for the site in the form of a completion report to confirm the adequacy of remediation shall be submitted to the LPA and approved in writing before this condition will be discharged.

Reason: To comply with policy CS32 of the Dacorum adopted Core Strategy and paragraph 109 of the National Planning Policy Framework to ensure the site is remediated in a suitable way and as the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal.

3. No development shall take place on the site until the applicant, or their agents or successors in title, has undertaken a programme of archaeological investigation work in accordance with a scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: To record any features of architectural, historic and archaeological interest prior to alteration which might be exposed during the course of the works and to comply with paragraph 128 of the National Planning Policy Framework PF and Policy CS27 in Dacorum Borough Council Core Strategy

Other conditions

4. Prior to the first occupation of the dwellings, details of the proposed boundary treatment (showing height, specification and materials and/or planting) shall first have been submitted to and agreed in writing by Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing. The agreed boundary treatment adjacent to the canal shall to be removed or altered without the prior written approval of the Local Planning Authority.

Reason: To comply with the requirements of section 7 of the National Planning Policy Framework and ensure that the external appearance of the development is satisfactory. The boundaries adjacent waterside developments should provide an attractive façade and poor design can affect how the waterway is perceived. The construction of foundations for fencing has the potential to impact on the integrity of the waterway therefore development approved should prevent damage to the waterway structure and protect users on the towpath.

5. Notwithstanding the plans submitted prior to the occupation of the dwellings details of the proposed lighting for the development shall be submitted to and approved in writing by the

Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with paragraph 125 of the National Planning Policy Framework as the lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

#### Informative

"The applicant/developer is advised to contact the Waterway Engineer on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust". For the Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Further comments received from Canal and River Trust on 28.02.2017:

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process.

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Based upon the information available we have the following **general advice to offer**:

We note that the amended /revised details include information on a roadside retaining wall and fencing. We would remind the applicant that Wilstone Bridge is a listed structure, in the ownership of the Canal & River Trust and suggest that further discussions take place prior to work commencing regarding this matter as part of the Third Party works process referred to in our original response.

However, we question whether the proposed 1.2 m high fence is appropriate given its position so close to the Listed bridge and would ask that the Councils conservation Officer considers this further.

All other comments, conditions and the informative suggested in our original response dated 08.12.16 remain relevant and form our substantive response.

#### Strategic Planning and Regeneration Comments

Please refer to our original comments on the pre application under 4/0414/16 as these remain relevant. We note that the number of homes has been reduced marginally from 9 to 8. This will help reduce the quantum of development on the site over that existing and thus contribute to lessening its overall impact. We also note that the layout has changed so that all of the units back onto the GUC (effectively creating a staggered block of terraced properties).

We are generally supportive of the redevelopment of this previously developed land bearing notwithstanding its impact on the surrounding countryside and GUC. A relatively high density (c.30 dph) and canal-related approach to the development may also be appropriate subject to a suitable relationship with the GUC (saved Policy 106). This is an excellent opportunity to improve the site's appearance by removing existing derelict/unattractive buildings and to enhance this part of the canal corridor. The views of the Design and Conservation team should be sought on this matter.

It is slightly disappointing that the proposal will only provide for larger units (3 and 4-bed houses) (Policy CS18). A mix of housing would be more likely to meet a wider range of needs. However, we would not raise any fundamental objections to this aspect of the proposal.

Normally a scheme of this scale (8 homes) and in this location would generate a requirement for affordable housing (Policy CS19). However, the site now needs to be considered against the Affordable Housing Clarification Note following the re-introduction of the national approach to affordable housing on small sites (as explained in the NPPG).

On this basis, as the site falls within a defined "rural area" then a contribution towards affordable housing would theoretically be required taking into account any reduction following the application (if appropriate) of the vacant building credit.

We are aware that the matter is further complicated in that the agent is arguing that the Council has incorrectly defined the "rural area" boundary. This matter has been discussed with the Council's legal team and we have been advised that it would point towards the site being excluded from the definition. We have now agreed a position internally which means that this development falls outside of the definition of "rural area". The "rural area" will now cover the area of the CAONB only. The Clarification Note will be amended accordingly.

If the site is treated as falling outside of the rural area then it would not be liable to any contribution. In this case, we note that the floorspace of the development exceeds 1,000 sqm. On this basis under the Clarification Note, a commuted sum would be justified (Figure 2(b)) (subject to any discount (if appropriate) against the vacant building credit). Please seek advice from the Strategic Housing team regarding the commuted sum calculation.

18 parking spaces are to be provided which would equate to approximately 2 spaces per unit. This is virtually in accordance with the parking standards under saved DBLP Appendix 5 (i.e. 18 as opposed to 19 spaces).

We are pleased to see that each of the houses is to be provided with a marginally greater level of amenity space compared to the earlier scheme, albeit these will be provided at less than the required garden depth of 11.5m (saved Appendix 3). This will help soften the appearance of the development and its relationship with the canal. As mentioned in the pre application scheme, we believe that there is scope to be flexible over the gardens given its location adjacent to the GUC and if it delivers a good quality scheme overall.

#### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

##### The following comments were received from a resident of 53 Tring Road:

I broadly support the application with 2 reservations, the first being that the access road so close to the bridge is dangerous and possibly 16 more cars trying to exit onto the bridge will mean it is only a matter of time before there is a serious accident, the plan should be amended to allow access to and from the site via Watery Lane, I noted the traffic survey was carried out during the school holidays when the traffic through the village is 40% of the normal traffic, how will the articulated lorries access the site while building, they can't park by the bridge or go over it due to weight limits, where will the builder park their cars etc, there are no parking spaces near the site unless they are forced to park on site it will cause danger to other road users, secondly there are bats in the barns, as they are protected how are you going to deal with this.

##### Comments received from residents of Chivery Hall Farm:

I own the land adjoining this plot and did live in the house next door in Watery Lane fifty years

ago. My concern is water leaving the proposed site into the brook. Will it cope and who will be responsible for dredging and maintaining? The lane did used to flood - hence the name. Feel the drainage on the site plus the sewage etc should be carefully considered. I have no objection to the development in theory.

Comments received from a resident of 90 Tring Road:

I have no objection to the development but have concerns re the access. I have lived in the village ten years and pass this site four times a day.

First just after rush hour and again at lunch time and various times in the evening.

My concern is when traffic is approaching from Wingrave road into Tring road to the village. If you are driving out of the village, several times I have had to swing partly into the junction of Watery Lane due to the speed of traffic approaching towards the village. There is a bend in the road near the bungalow opposite the proposed development and drivers do not slow down but take the bend at a wide angle which leaves you having to swerve to avoid an accident. Also there is usually a lot of surface water when it rains that pools on the road near the gates of the bungalow which also does not help this issue.

I have concerns that the proposed development of eight properties could potentially have sixteen cars plus visitors. The problem is driving into the village you can only see the approaching traffic once you are coming around the bend by the bungalow, so if vehicles are coming in or out of proposed development site onto a narrow road they will probably also encroach into oncoming vehicles thinking there access is clear. I feel from my own experience and near misses I have had myself due to the speed of traffic & dangerous bend that this issue will need serious re-evaluating & consideration.

Living on Tring road myself the volume of traffic at peak times is quite constant as the village is used as a cut through from Long Marston / Wingrave to Lower Icknield way & A41 - M25 & Aylesbury

Comments received from the residents of Goodspeed:

I am emailing my response to the above planning application. I am a neighbour (I live at Goodspeeds in Watery Lane) and I tried to upload it direct to the website, but couldn't so I'd be grateful if you could submit these.

In general I think development of the site is a positive move, as at present it is unsightly and certainly doesn't add to the community. However, I would like to make the following points regarding the plan as submitted:

1. In order to complement the environment, I feel that the front boundary should be formed of a hedge of native species, as this is what surrounds the site (along Watery Lane and Tring Road). A wooden fence would be out of keeping and unattractive.
2. As many trees/shrubs on the eastern border of the site to be retained to shield the site from view from that angle.
3. I'm not entirely convinced by the bat/owl reports of which the second conveniently states that there are no bat roosts or owl activity. Considering the state of the outbuildings and the number of years that they have been open to the elements I would be very surprised if these were not being used by bats and owls and other creatures. Bats regularly fly about across the fields and if they don't roost there, I'm not sure where else they would roost. As I say, I'm not against the development, but there needs to be a balance and it can't come at a cost to precious wildlife. Owl boxes should, as a minimum be installed, and I wonder if one of the buildings could be retained i.e. as the bike store on the plan.
4. As a neighbour, it would be good to have the working hours capped – no early starts or

Saturday working.

I received your letter about the amended plans, stating there are now 7 houses and one live/work unit. Looking at the plans, it still looks like 8 houses. Which one is the live/work unit? And what is that?

- I note that the front border is now black iron fencing, why cannot hedging be put in? The site is surrounded by hedging and this would look so much more in keeping with the area.

## **Considerations**

### Policy and Principle

The site is located within the Rural Area, just outside the northern edge of the designated Wilstone village core. The principle of new housing is normally not identified as being appropriate development in the Rural Area, however adopted Core Strategy Policy CS7 allows for small scale redevelopment of previously developed sites providing:

- it has no significant impact on the character and appearance of the countryside; and
- it supports the rural economy and maintenance of the wider countryside.

There is no reference to previously developed sites in the Rural Area within the National Planning Policy Framework, however the Core Planning Principles set out in paragraph 17 "encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value."

Despite being a brownfield site, the site is located next to the Grand Union Canal, a Local Wildlife Site. Hertfordshire Ecology have identified it as likely to be in a condition that supports habitat interest of local value by acting as an ecological corridor, although there are no biological records (species or habitats) for the site itself. The site therefore does have some environmental value although it is not considered to be of such value that is unable to be protected through mechanisms such as a Construction Environmental Management Plan.

Information submitted with the application substantiates the status of the site as brownfield. The site has an historical use associated with the canal and lock and has also historically been used for agricultural purposes. Between the years 1910 - 1993 the site was in use as a coal dealership and more recently it has been in residential use as a single dwelling (Victory House). The large number of outbuildings that appear to have been present on the site in the late 1970's remain today albeit in various states of disrepair.

Due to its brownfield status the proposal to bring the site back into effective use for housing is in accordance with paragraph 17 of the NPPF. The proposal accords with saved Policy 10 of the Local Plan which seeks the optimisation of urban land with vacant or underused land and buildings brought into the appropriate use(s) as soon as practicable through new building, conversion, adaptation or other alteration. It also accord with adopted Core Strategy CS7 which allows for the small scale redevelopment of previously developed sites.

Saved Policy 106 of the Local Plan requires development adjoining the Grand Union Canal to make a positive contribution to the canalside environment. Development must be appropriate to the environmental and historic character of the canal in terms of design, scale and materials. Important views to and from the canal should be retained.

The proposed development has been designed as a contemporary response to its canalside location in terms of form and materials. Conservation and Design consider that this is an appropriate response given that some form of historic development in relation to the canal has

always existed on the site. They note that the proposed development is also within the setting of the listed bridge and nearby lock. However the majority of the significance of both the bridge and the lock are gained from the canal whilst at low level its significance is gained from its prominence within the rural setting. The proposed development does not directly impact upon the views of the bridge from the tow path in either direction.

At present the existing development and vegetation bordering the site prevents views through the site. The proposed site layout affords some views into the site due to the set back of the buildings and angular orientation of some of the buildings. The open grassed frontages to the dwellings serve to provide enhanced views towards the warehouse style development. It is noted that the dwellings are positioned so that the parking areas and domestic features such as bin storage are screened from the prominent public canal viewpoint. It is therefore considered that views to and from the canal into the site would be enhanced in accordance with Policy 106.

The amount of development is commensurate with the overall volume of existing built development on the site. Whilst there would be an increase in the volume (19 percent) and floor area (30 percent), there would be a reduction in footprint (30 percent) signifying an opening up of the site with greater visual permeability. The overall low height and scale of the built form is in keeping with the rural location and appropriate to the canal side environment.

The proposed density would be in the area of 30 dwellings per hectare which would be within the expected range of 30 to 50 dwellings per hectare outlined under saved Policy 21 of the Local Plan.

Overall the proposed development is considered to improve the character and appearance of the site and wider canal and countryside location by removing existing derelict/unattractive buildings. This part of the canal corridor will be brought back into use and maintained on an on-going basis. The proposed development is therefore in accordance with adopted Core Strategy CS7 and saved Local Plan Policy 106.

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. Policy CS17 seeks to promote residential development to address a need for additional housing within the Borough. The provision of new dwellings is supported in principle in the choice of homes that it provides under Policy CS18 of the Core Strategy.

Concern has been raised by the Parish Council that a range of homes are not being delivered by the development in terms of a larger number of smaller sized homes to meet local needs. Strategic Planning and Regeneration also acknowledge a lack of range of dwellings forming part of the proposal:

*It is slightly disappointing that the proposal will only provide for larger units (3 and 4-bed houses) (Policy CS18). A mix of housing would be more likely to meet a wider range of needs. However, we would not raise any fundamental objections to this aspect of the proposal.*

Core Strategy Policy CS18 states that decisions on an appropriate mix of homes will be guided by factors such as strategic housing market assessments, and housing need surveys together with site specific considerations. The site is a previously developed site in a rural location. Relevant policy states that proposed development must not impact on the character and appearance of the countryside. The applicant has submitted a number of factors that limit the potential for a greater number of smaller dwellings on this site. The site is constrained in size reducing the ability to accommodate the increased demand for parking and services required for a greater number of units. The built form would need to be increased in height with potentially less landscaping provision which would impact on the character and appearance of the site. There is a lack of demand for starter type homes or apartments in this location. It is

also less sustainable to have denser type development in more isolated rural locations as it would result in more occupants needing to travel further to access local amenities. It is therefore considered that the size of dwellings is appropriate for this location and the lack of mix would not warrant refusal.

The proposal includes one live/work unit comprising an additional area of 21m<sup>2</sup> of workspace to be utilised by the occupant for commercial use within Class B1 (a) (office use). Live/work units are not specifically addressed within the Local Plan policy however there is no objection in principle to the proposal. There is a sustainability case for live/work units as they enable occupants to avoid the need to travel to work. A condition would be attached ensuring that the business floorspace identified as "work unit" would only be used as offices.

#### Appearance and Layout of Proposed Development and Impact on Setting of Listed Bridge

The layout of the site has been determined by its canalside location and triangular shape with parking and vehicle turning area located close to the existing access. This also allows for the dwellings to screen the parking area from canalside views

Minimum garden depths of 11.5m as required by Appendix 3 of the saved Local Plan will not be achieved for each dwelling. This is also in part due to the unconventional layout resulting from the triangular shape of the site. However the site sits adjacent to the canal which does offer access to open land/amenity space. It is also noted that more amenity space is provided than that proposed in pre-application discussion which has helped to soften the scheme and also provide more open space between the built elements thereby avoiding a cramped appearance. Due to its countryside location and access to wider open space and the canal it is considered that the proposed amenity space for future occupants is appropriate.

Conservation and Design have considered the proposals in the context of the setting of the listed bridge and lock and the wider character and appearance of the area:

*The mass form and scale of the dwellings reflects both agricultural buildings and the warehousing/ industrial character of canal side developments. Although within a rural setting, this site would appear to have had some use over a long period of time connected to transporting goods along the canal. As such we believe that the mass and form is acceptable. The design is of its time. We believe that this is an appropriate response to the setting and the significance of the site. A pastiche form of canal warehousing would be detrimental and harm the understanding of the site and the adjacent canal structures as such we believe that the modern interpretation is the best way to proceed. As such we believe that the proposals would be acceptable.*

Alterations sought by Conservation and Design to the boundary treatment and details of the retaining wall adjacent to the bridge have been provided. Black estate fencing remains as the proposed treatment to the canal side boundary; native species hedge with new tree plantings is proposed along the northern boundary; and a 2 rail Bridgewater Ductile iron fence is proposed along the road boundary. Should the committee be minded to grant permission, a condition will require details of all boundary treatment and landscaping. A condition will also be attached removing permitted development rights to protect the setting of the listed building and views from the canal into the site. The removal of Class E (outbuildings) is particularly relevant in this respect so as to retain the open space frontages between the dwellings and the canal.

#### Impact on Trees and Landscaping

The proposals include a native species hedge along the northern and eastern boundary with new tree planting along the northern boundary.

Trees and Woodlands have considered the proposals and advised that there are no trees of

particular note or historical significance either in the context of the canal or surrounding landscape and none that should be a constraint to reasonable development. They have noted that the current trees are pleasant and the better rated ones are shown for retention.

As no detailed landscaping scheme has been proposed, details will be required by way of condition that is both appropriate for the new site use but also reflects its location and former use next to the canal.

#### Impact on Highway Safety

Highways have raised no objection to the proposed development. Further information was requested to be provided by way of condition in terms of moving the vehicle entrance to achieve visibility splays and a swept path analysis to demonstrate that emergency and refuse vehicles can manoeuvre within the site. The applicant has provided the information to satisfy these requirements and Highways have adjusted the recommended conditions accordingly.

The application is for 18 parking spaces are to be provided which would equate to approximately 2 spaces per unit. This almost meets the maximum parking standards under saved DBLP Appendix 5 (i.e. 18 as opposed to 19 spaces) and is considered to be acceptable.

#### Impact on Neighbours

There are no neighbouring residential properties in proximity to the site that would be affected by the proposals. The closest residential property is Lock View located over 48m to the east of the site on the opposite side of Tring Road. Goodspeeds is located over 55m to the north with a field separating the sites.

The nearest residential properties to the south of the canal are those on the north side of Tring Road on the periphery of Wilstone Village. A triangular open site separates these properties from the canal.

#### Canal and River Trust

As a statutory consultee, the Canal and River Trust (CRT) have considered the impact of the proposal on the waterway corridor, including the listed bridge. They have made the following general comments in terms of the proposed development:

*The design, siting, configuration and orientation of buildings optimise views of the water and generates natural surveillance of water space. The replacement of the derelict buildings and replacement by the proposed dwellings will improve the appearance of the site when viewed from the towpath, the canal bridge and from the water at boat level, and will therefore enhance the visual and environmental quality of the waterway corridor.*

Further details of the boundary treatment have been requested to be provided together with the removal of permitted development rights to control boundary treatment due to the visual impact on the character of the waterway. Conditions have been recommended to this effect.

Financial contributions have been requested in relation to the safety of use and maintenance of the adjacent listed bridge and also in connection with providing access to the canal. The applicant has since provided details of the improvements to the retaining wall beyond the bridge abutment and the addition of a railing to provide some security for pedestrians walking over the bridge. CRT has asked that the relationship with the railing and the listed bridge is given further consideration however Conservation and Design have confirmed the proposals to be acceptable. As outlined above further details will be required by way of condition.

The Council's Regulation 123 List sets out projects and types of infrastructure that can be

funded by CIL and those projects that can be funded through developer contributions under S.106. The works for which contributions are being sought by the Canal and River Trust are listed as being secured through CIL (Strategic and Local Transport Proposals; Green Infrastructure) and therefore cannot be secured through developer contributions. On this basis there are no grounds to request the contributions sought by CRT.

### Affordable Housing

Previously a scheme of this scale (7 homes) and in this location would generate a requirement for affordable housing (Policy CS19). However, the site now needs to be considered against the Affordable Housing Clarification Note following the re-introduction of the national approach to affordable housing on small sites (as outlined in the NPPG).

The defined "rural area" for the purposes of applying a lower threshold of 5 units for the exemption for affordable housing on smaller sites as set out in the NPPG only applies to relevant sites in the Chilterns Area of Outstanding Natural Beauty. As this site does not fall within the AONB it is not liable to any affordable housing contribution. Furthermore as the floor area of the proposed residential dwellings is less than 1000m<sup>2</sup> a commuted sum towards off-site affordable housing is not required.

### Ecology

The applicant submitted a bat roost assessment for the site which has concluded that there are no bats roosting in any of the buildings, but they do use the site for commuting and foraging. Other constraints highlighted by the ecological report include breeding birds. In addition due to the proximity of the Local Wildlife Site which will also act as an ecological corridor protection from both direct and indirect impacts must be in place prior to construction.

Hertfordshire Ecology has therefore recommended that a Construction Environmental Management Plan (CEMP) which be implemented which should include mitigation/ avoidance strategies for breeding birds and commuting bats, and protection fences for the Local Wildlife Site. A condition has been recommended should the committee be minded to grant permission.

### Archaeology

The Hertfordshire Historic Environment team has identified the site as having a high potential for the presence of heritage assets of archaeological interest such as post-medieval remains which may be affected by the proposed development. The Historic Advisor has requested the development and implementation of a Written Scheme of Investigation in order to mitigate any potential impacts. This would be required by condition should planning permission be granted.

### Contamination

The applicant has submitted a Geo-Environmental Report in respect of contamination. The Land Contamination Officer has considered this information but concluded that further investigative works and remediation are required, the two standard contamination conditions are recommended to be applied to this development should permission be granted.

### Sustainability

The application has been supported by a sustainability checklist as appropriate and is considered to satisfy the criteria of CS29. The Lead Local Flood Authority has considered the proposals in terms of sustainable drainage and confirmed that the proposals are acceptable.

### Refuse

The applicant has engaged with Waste and Recycling Services to ensure that the appropriate means of bin storage to serve the dwellings and live/work unit can be accommodated on site. Details have been amended so that the proposed bin store is now able to incorporate the requirements of Waste and Recycling Services.

## CIL

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.

The Charging Schedule clarifies that the site is in Zone 2 within which a charge of £150 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

The applicant has submitted that the existing outbuildings that are in various states of disrepair are ancillary to the dwelling Victory House and therefore are existing residential dwellings for the purposes of calculating CIL. Further information to demonstrate the status of these buildings will be required to establish the amount of CIL required.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun 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 construction of the dwellings hereby approved shall not 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 a satisfactory appearance to the development and to safeguard the character and appearance of the setting of the adjacent listed bridge and lock in accordance with adopted Core Strategy Policies CS12 and CS27.

- 3 The construction of the dwellings shall not take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- hard surfacing materials;
- means of enclosure;

- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with adopted Core Strategy Policy CS12 and saved Local Plan Policy 106.

- 4 **Visibility splays of not less than 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access onto Tring Road, as shown in principle on drawing 453416-PEP-00-GL-DR-1300 Revision P02. Construction work shall not commence the applicant has demonstrated that the required visibility splays can be achieved by means of scaled drawings showing the access arrangements and visibility splays, to be submitted to and subsequently agreed in writing by the Local Planning Authority.**

Reason: In the interest of highway safety.

- 5 **The development shall not be occupied until the access, car parking and turning areas have been constructed and surfaced. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.**

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents and businesses.

- 6 **Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.**

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.

- 7 **The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.**

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.

- 8 **Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

- 9 **The development shall not be brought into use until the modified vehicle access has been constructed to the current specification of the Highway Authority and to the satisfaction of the Local Planning Authority.**

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

- 10 **The proposed car parking spaces must have sufficient manoeuvring space to ensure all vehicles, including service and emergency vehicles, can enter and exit the site in a forward gear.**

Reason: The above condition is required to demonstrate that an acceptable standard can be achieved.

- 11 **All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.**

Reason: In the interest of highway safety and free and safe flow of traffic

- 12 **The business floorspace of Live/Work Unit 7 identified as "Work Unit" on drawing 2060/05A shall not be used for any purpose other than for purposes within Class B1(a) in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification"**

Reason: To enable the local planning authority to retain control over the development in the interests of supporting the rural economy in accordance with Core Strategy policy CS7.

- 13 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 1 Classes A, B, C, D, E, F  
Part 2 Classes A**

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.

- 14 **Notwithstanding the plans submitted prior to the commencement of development, details of the proposed protective fencing to be erected to safeguard the waterway infrastructure during construction of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.**

Reason: To comply with policy CS32 of the Dacorum adopted Core Strategy and paragraph 109 of the National Planning Policy Framework as the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal.

- 15 **Notwithstanding the plans submitted prior to the occupation of the dwellings details of the proposed lighting for the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.**

Reason: To comply with paragraph 125 of the National Planning Policy Framework as the lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

- 16 **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 timings of sensitive works to avoid harm to biodiversity features.**
- E) The times during which construction when specialist ecologists may need to be present on site to oversee works.**
- F) Responsible persons and lines of communication.**
- G) Use of protective fences, exclusion barriers and warning signs.**

**The approved CEMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.**

Reason: To safeguard the Local Wildlife Site and to accord with saved Local Plan Policy 106.

17 **The development permitted by this planning permission shall be carried out in accordance with the approved The Surface Water & Foul Drainage Design and Maintenance Philosophy carried out by PEP reference 453416-PEP-00-XX-RP-D-6200 dated October 2016 and the following mitigation measures detailed within the FRA:**

1. **Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**
2. **Implementing appropriate SuDS measures as shown on the Drainage Strategy drawing.**
3. **Undertake drainage strategy based on attenuation and discharge restricted at 5l/s and to include permeable paving.**
4. **Secure clearance works for existing ditches including any culverts and ensure that they shall be kept clear of any obstruction to maintain any surface water flow.**

**The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants.

18 **The construction of the dwellings shall not take place until a detailed surface water drainage scheme for the site based on the approved Drainage strategy and sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

1. **Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.**
2. **Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout**

**its lifetime.**

Reason: To prevent the increased risk of flooding, both on and off site

19

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

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

Reason: To ensure that reasonable facilities are made available to record archaeological evidence.

20

**i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 21.**

**ii) Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A). The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

21

**Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

**For the purposes of this condition:**

**A Phase I Report consists of a desk study, site walkover, conceptual model**

and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 22 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 23 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as '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.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

- 23 **The development hereby permitted shall be carried out in accordance with the approved sustainability statement.**

Reason: To ensure the sustainable development of the site in accordance with adopted Core Strategy :Policy CS29.

- 24 **No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority for the provision of a fire hydrant(s) to serve the development. The development shall not be occupied until the approved scheme of fire hydrant(s) has been installed.**

Reason: To ensure water supplies are provided to adequately serve the site in accordance with BS 9999.

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

**2060/01;**  
**2060/02C;**  
**2060/03;**  
**2060/04A;**  
**2060/05A;**  
**2060/06A;**  
**2060/07;**  
**2060/08;**  
**2060/09B;**  
**2060/10A;**  
**2060/11**  
**453416-PEP-00-XX-DR-D-1200 P05;**  
**453416-PEP-00-XX-DR-D-1300 P02;**  
**453416-PEP-00-XX-DR-D-1700 P05.**

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

#### Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

#### INFORMATIVES:

##### Canal and River Trust

“The applicant/developer is advised to contact the Waterway Engineer on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

For the Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

##### Environment Agency

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

We can confirm that there is a main sewer network within 15m of the site and therefore the foul drainage should be connected to the main sewer.

### Conservation and Design

Victory house and the 19<sup>th</sup> century outbuildings should be recorded and a copy of this record deposited in the Hertfordshire HER.

### Thames Water

#### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Package Treatment Works - Foul water for this development is not draining into Thames Water assets and therefore does not affect us.

#### Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### Highways

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-

<https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to

willfully 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 website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

#### Lead Local Flood Authority

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>