

Ms Lauren Rance
Planning Officer
Central Bedfordshire Council
Priory House
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7 December 2021

By Email: planning@centralbedfordshire.gov.uk

Dear Lauren,

Application No: **CB/21/01017/FULL [REVISED]**
Location: **Mile Barn Farm, Hemel Hempstead Road, Dagnall, Berkhamsted, HP4 1QR.**
Proposal: **Redevelopment of brownfield employment site to include 16 residential dwellings, 268 sq m B1 office space and associated parking. Resubmission.**

I write further to Central Bedfordshire Council's ("CBC") letter dated 3 November 2021 relating to the revised planning application for the above site.

Introduction

This reply has been subdivided into the following sections:-

- Executive Summary
- Update
- Planning Meeting
- Planning Application Documents
- National Planning Policy Framework ("NPPF")
- Conclusions

(A) Executive Summary

In accordance with the latest version of the NPPF (July 2021), due to its rural location within the Green Belt and AONB, the only way that the proposed development can be given planning consent is if there are relevant and valid 'Very Special Circumstances' ("VSC") to justify the end development, which outweigh the harm and openness to the Green Belt.

Assuming that there are relevant and valid VSC which allow the site to be redeveloped, the Parish Council acknowledges the vastly improved redevelopment scheme for Mile Barn Farm.

Whilst it cannot currently support the revised planning application, with a few alterations and changes thereto; clarification on the proposed building materials and "Shared Surface" concept, and further information on the outstanding transport/sustainable issues, we consider that a suitable redevelopment scheme for part of the site in question might be possible in due course.

The Parish Council considers that the original planning application should not have been “called in” by Ward Councillor (Cllr Eddie Perry) back in April 2021, and the revised scheme proves this action was inappropriate in the circumstances.

(B) Update

SPC submitted our initial comments on the original planning application on 5 May 2021 by email.

A copy of that response is attached in **Appendix 1**.

This document remains relevant to the “revised” (and updated) planning application as it outlines the background information; the commentary (and objections) from other relevant organisations and our initial conclusions. It also highlighted the inappropriate “call in” request to Development Management Committee (“DMC”) made on 8 April 2021 by Ward Councillor (Cllr Eddie Perry).

It is noted that the DMC deferred the original planning application in July 2021, and that the developer has now subsequently submitted a significantly different scheme for consent. We assume the previous (larger, more urban style) scheme is now withdrawn.

In addition, it is understood that the Certificate of Lawful Development application remains outstanding.

(C) Planning Meeting

The “revised” planning application was reviewed at SPC’s Planning Meeting held at 7pm on Monday 15 November 2021.

Minutes of this meeting are available as required.

Mr Paul O’Hara (“POH”) attended the meeting on behalf of the applicant and was able to outline the changes; the reasons behind them and to answer some of the questions that were raised by SPC. This was appreciated as were the colour copies of the relevant revised documents, scheme CGI’s and site plans.

Please find attached in **Appendix 2** a summary of questions that the applicant answered following this planning meeting.

The following issues were discussed (in no particular order):-

Building Materials (Brick/Roofs)

The Parish Council are not sure that “buff” brickwork colour is suitable here. Whilst this material might be used elsewhere, the existing buildings on the land adjoining (with photographs in the planning application), show a darker red brickwork which is found more often in the local area.

Likewise, suitable roof material needs to be used (or perhaps a mixture of red tiles and slate).

Shared Surface

The Parish Council is not sure whether the “shared surface” roadway will be adopted by CBC.

If not, there will be a high service charge provision attached to the development going forwards which is not ideal.

Car Parking Provision

There was concern that residents (and visitors) would park immediately outside their homes, thus narrowing or blocking the roadway on-site. The Parish Council is keen to see more information as to how parking on-site would work and how the "Shared Surface" will be designed in terms of ground covering and layout.

Visitor car parking was also considered important. Potential to use the office car park at weekends.

External Lighting

The "low level" LED solution is noted but there must be a planning condition against future changes to lighting provision on-site.

Community Orchard/Surrounding Grounds

The Parish Council were keen to understand who would maintain these areas. It was explained that either a service charge regime would be set up or the developer would provide a "pot of money" to cover this ongoing expenditure.

Again, this could become a service charge item.

Traffic Issues

It is accepted that there will be an additional traffic generated along Hemel Hempstead Road and to/from site.

Due to the rural nature of the road network and high speed of vehicles along this section of Hemel Hempstead Road, the Parish Council consider that CBC need to carefully review the highway access to/from Mile Barn Farm should there be any form of development thereon. It is suggested that a central turning (filter) lane (from the south) should be constructed to make it safer for cars/vehicles turning right into Mile Barn Farm. Whilst this would increase the width of the highway to three lanes for a short distance, the safety benefit would outweigh the visual impact.

Footpath

The suggested footpath route to Studham is not currently in use. This needs to be checked that this link is possible.

SPC is keen to make sure that there is a footpath link between Mile Barn Farm and Common Road.

Broadband

SPC believe that if the site is redeveloped, there should be a condition attached for the developer to provide superfast fibre/Broadband connection (and any other required communication connection) to each of the buildings thereon (including a 'fit for purpose' commercial office).

Energy/Heating Issues

It is positive that the developer is looking at energy and heating issues. In addition to heat pumps, they may want to look at solar tiles and battery storage options.

The proposed development will need electric car charging points as standard.

Habitat Allowances

Due to the rural location, the Parish Council feel that habitat allowances should feature in the building design.

River Gade

There is concern about the possible impact of the proposed development on the source of the River Gade which is located close by.

Office Building

Whilst the developer intends to retain the investment other possible uses such as craft businesses and/or sustainable rural tourism such as a walkers/cyclist café were discussed.

Affordable Housing

Further information is required.

Certificate of Lawful Development

SPC would welcome an update from CBC as to their enforcement of any non-conforming activities on-site, particularly in context with the Previously Developed Land ("PDL") point.

Section 106 Monies

If there is a redevelopment of the site, the Parish Council want Section 106 monies allocated to education, footpath improvements and in particular the Village Hall replacement fund.

(D) Planning Application Documents

These have been reviewed by SPC.

The revised "Design & Access Statement" document is a helpful summary.

SPC liked both of "Farmstead" development examples (most notably Wisteria Farm by Hereward Homes) which created a courtyard/agricultural layout with barn-like dwellings with open and semi-closed spaces. It is noted that there is no reference to the commentary provided by Chilterns Conservation Board in respect of a clustered Chilterns Farmstead (as found in the Chilterns Building Design Guide).

The "Shared Surface" concept was less clear and appears to relate to a more urban setting.

The CGI images show the proposed development surrounded by mature trees when that is not the case on-site and if a redevelopment is permitted, a tree/landscape strategy needs to be carefully agreed before any redevelopment can commence.

The proposed 16 dwellings are as follows:-

Plots 1 & 2 – 4 bed linked detached homes

Plots 3 to 6 – 3 bed terraced housing

Plots 7, 10 & 12 – 5 bed detached homes

Plots 8 & 9 – 2 bed semi-detached bungalows

Plot 11 – 4 bed detached home

Plots 13 & 14 – 4 bed semi-detached homes

Plot 15 – 4 bed detached home

Plot 16 – 4 bed detached home

Finally, it is noted that the office building remains unchanged.

(E) National Planning Policy Framework (“NPPF”)

The National Planning Policy Framework (“NPPF”) was revised on 20 July 2021 and SPC have reviewed this document.

It is noted that this document sets out the government’s planning policies for England and how these are expected to be applied.

We consider the following paragraphs are relevant for this planning application with the key wording outlined in bold below.

RURAL HOUSING

Paragraph 78

In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

Paragraph 79

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 80

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- (c) **the development would re-use redundant or disused buildings and enhance its immediate setting;**
- (d) the development would involve the subdivision of an existing residential building; or
- (e) **the design is of exceptional quality**, in that it:
 - **is truly outstanding, reflecting the highest standards in architecture**, and would help to raise standards of design more generally in rural areas; and
 - **would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.**

SPC considers that any residential development on Mile Barn Farm should reflect the above points.

PROPOSALS AFFECTING THE GREEN BELT

Paragraph 147

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

SPC considers that the proposed development is inappropriate development in the Green Belt and Area of Outstanding Natural Beauty (“AONB”). The subject site falls within the Chilterns AONB and it should be treated accordingly.

(F) Conclusions

The land in question is not a residential area; is not in a settlement and is potentially not a sustainable location for new housing.

Studham Parish Council (“SPC”) are pleased that the applicant has taken into account feedback from relevant parties (including CBC) and have significantly re-designed their scheme.

The Parish Council did not consider that the original, urban housing estate in design and layout, proposal was appropriate for the subject site at Mile Barn Farm. At that time, SPC stated that if the site is to be redeveloped (in the future), it might be acceptable if (1) it provided limited new build residential in keeping with “agricultural” style in design i.e. barn buildings and/or a farm courtyard in layout and (2) only part of the site should be redeveloped.

The revised proposal goes some way towards this statement.

As the site is isolated and falls outside of any settlement, any redevelopment thereon will adversely impact on the valley setting, and will struggle to be sustainable in transport terms. Likewise the Parish Council still considers footpath connectivity to be very relevant and unless there is a direct footpath access to both Studham and Dagnall, no residential redevelopment should be permitted.

In accordance with the latest version of the NPPF (July 2021), due to its rural location within the Green Belt and AONB, the only way that the proposed development can be given planning consent is if there are relevant and valid VSC to justify the end development, which outweigh the harm and openness to the Green Belt.

SPC remains of the opinion that none exist but we appreciate that CBC's Planning Team are best placed to decide whether or not this is the case.

Whilst it might be beneficial to remove the current uses from the site, this can only be progressed if there is a suitable redevelopment option.

Summary

Taking into account all of the relevant issues, the Parish Council cannot support the planning application as submitted but is prepared to work with the developer to make changes to the proposal in order to make the redevelopment appropriate for this location.

I trust the above is self-explanatory but should you have any queries or questions, please let us know.

Yours sincerely,



Cllr Mark Poyner

Studham Parish Council
Chair of the Planning Committee

cc.

Cllr Kevin Collins – Ward Councillor at CBC

Cllr Eddie Perry – Ward Councillor at CBC

Cllr Bob Wilkin - SPC

Cllr Geoff Shute – SPC

Cllr Chrys Smith – SPC

Cllr Alan Wright – SPC

Cllr Lynne Smith– SPC

Cllr Mo Rashid - SPC

Mrs Sally Harrop – Clerk of SPC

Appendix 1

Copy of Studham Parish Council's initial response to the original planning application submitted

Ms Lauren Rance
Planning Officer
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford
Bedfordshire
SG17 5TQ

5 May 2021

By Email: planning@centralbedfordshire.gov.uk

Dear Lauren,

Application No: **CB/21/01017/FULL**
Location: **Mile Barn Farm, Hemel Hempstead Road, Dagnall, Berkhamsted, HP4 1QR.**
Proposal: **Redevelopment of brownfield employment site to include 30 residential dwellings, 268 sq m B1 office space and associated parking. Resubmission.**

I write further to Central Bedfordshire Council's ("CBC") letter dated 30 March 2021 highlighting the above application.

Introduction

This reply has been subdivided into the following sections:-

- **Executive Summary**
- **Background Information & Consultation**
- **Planning Meeting & Community Feedback**
- **Planning Application Documents**
- **Third Party Feedback**
- **Conclusions**

(A) Executive Summary

Studham Parish Council ("SPC") does not support and strongly opposes the proposed redevelopment of the land at Mile Barn Farm as outlined by this planning application.

There are many reasons for this view and these are set out below.

(B) Background Information & Consultation

The Parish Council was aware of a previous planning application for this site [CB/20/00851/FULL] which was withdrawn before it submitted any comments.

While SPC met the developer prior to the previous application being submitted, SPC was not contacted by the developer or his team prior to the resubmission being made [CB/21/01017/FULL] on 8 March 2021. That said, we had advance warning of the resubmission from (1) Cllr Eddie Perry

via a telephone call on 23 March 2021 and (2) SPC was contacted by Mr Richard Stay ("RS") by email on 26 March 2021 who at a subsequent informal meeting on 1 April 2021 provided colour copies of the planning application, drawings and photographs.

As far as SPC is aware, there has been no public consultation on this redevelopment proposal which is disappointing and as outlined above, despite being initially contacted by the developer and his team, no further or dialogue was had before the planning application was submitted.

The applicant did take pre-planning advice from CBC although SPC has not seen or heard any feedback from CBC's Planning Team.

The Parish Council is surprised that the Ward Councillor (Cllr Eddie Perry) submitted his form (as at 8 April 2021) for this planning application to be "called in" and put in front of the Development Management Committee ("DMC") before the planning application has been formally reviewed by SPC.

(C) Planning Meeting Overview & Community Feedback

The latest planning application was reviewed at SPC's Planning Committee Meeting held on Monday 19 April 2021. Several residents attended along with RS who provided a helpful background summary and was available to answer any questions as appropriate.

SPC have also received several emails from local residents about this planning application.

I set out the key issues raised (in no particular order) as follows:-

- It was considered that this application was for a relatively large development within the Green Belt and AONB.
- Is the land still being used for the commercial purposes? If yes, why the development proposal?
- The site is isolated and that a Travel Plan will be required to support the redevelopment proposals. The site has no transport links.
- Additional housing will increase the precept for the Parish.
- At the time of the meeting, RS stated that there were no "objections" to the proposal.
- There is a gas pipeline to the east of the site which runs along the valley.
- Any screening to the site should be mature trees/hedgerow for immediate benefit, and must fit in with the local setting. Key tree types stated were oak and beech.
- The proposed use of the "office accommodation" was discussed i.e. administration offices v light industrial/studio use v community space.
- The developer stated that the office proposal is fully compliant with policy.
- Permitted Developments for the office building need to be excluded to prevent conversion to residential in the future.
- Is there any office demand for this location?
- Drainage and water run off needs to be managed as this could affect the lower section of Pedley Hill, and the full impact on the Gade River needs to be assessed.
- The proposal is an urban style housing estate in a rural environment more suited to Berkhamsted, Leighton Buzzard or Hemel Hempstead.
- Will the house be eco-friendly – source heating and/or solar energy?
- What street lighting is planned as this is likely have a major and visible impact on the landscape than existing?

- What are the relevant VSC? These were stated to be affordable housing; elimination of an “eyesore” from the landscape and the provision of office accommodation.
- Is it an eyesore?
- If affordable housing is used to justify the development, what would be the affordable price? Many consider that there is no such thing as affordable housing in Studham. 9 dwellings, 30% of development housing to be affordable.
- Is the site “previously developed land” and if yes, does that cover the whole site?
- The site is not an asset to the Green Belt.
- The site is some distance from Studham village and many in the Parish probably do not even know the site is within the Parish Boundary.
- The developer has no intention to retain the freehold of the office accommodation.
- The meeting was told that the developer would “build out” the site if planning consent was granted.
- Who would maintain/own the external landscaping?
- There seems to be no direct access to the “orchard” or surrounding “green space” on the development plans.
- There is no direct footpath towards Studham. Residents would have to walk to the south over the fields/along the main road to access the footpath up towards Common Road.
- The proposed redevelopment is a “village” in its own right.
- The proposal is different from the other housing provision along the valley which provides larger residential dwellings with land.

I attach in **Appendix 1** photographs taken as at 19 April showing the subject site and the surrounding landscape/environment.

There seemed to be ongoing earthworks being undertaken to the site.

The view of SPC is that whilst the site has not been maintained, the agricultural style buildings thereon are in keeping with the surrounding area and landscape.

It was helpful that RS attended the meeting as questions/queries were answered directly.

We attach in Appendix 2 a summary of questions that RS has subsequently answered following the Planning Meeting.

(D) Planning Application Documents

We have reviewed all submitted papers for CB/21/01017/FULL and relevant paperwork was shared during the “virtual” Planning Meeting.

(E) Third Party Feedback

Chilterns Conservation Board (9 April 2020) – OBJECTION

The Chiltern Conservation Board (“CCB”) commented on the initial planning application [CB/20/00851/FULL].

A copy is attached **Appendix 3**.

SPC agree with the points made in this response including:-

- **The site is not suitable for a housing estate.**
- **It would harm the AONB and fail to conserve it.**
- **The site is not a residential area; is not in a settlement and is not a sustainable location for new housing.**
- **There are no direct footpaths linking to Studham, nor Dagnall.**
- **The “Previously Developed Land (“PDL”) needs to be qualified by the fact that a number of uses/functions were not regularised by CBC when an application for a Certificate of Lawfulness was recently rejected.**
- **CCB would support limited new build which follows the agricultural design ethos of a clustered Chilterns Farmstead (as found in the Chilterns Design Guide). This ethos has not been followed at all with the proposed development.**
- **CCB outlines various development options including limited new build with the majority of the buildings and uses removed with the site being restored to grassland and left undeveloped.**
- **Possible uses include sustainable rural tourism such as a walkers/cyclist café and/or craft businesses.**

Edlesborough Parish Council (21 April 2021) - OBJECTION

It is noted that Edlesborough Parish Council (“EPS”), as a neighbouring parish, strongly oppose this application to permit housing development in this *“relatively isolated and inappropriate location in the Green Belt and the Chilterns AONB”*.

They also, rightly, question that the current use is in excess of the limited usage permitted under the 1995 and 1998 consents.

SPC considers that CBC should review fully and enforce the prohibition of any non-conforming activities on-site, particularly in context with the PDL point.

The Chiltern Society (20 April 2021) – OBJECTION

The Parish Council is aware that The Chiltern Society has also objected and states that CBC should refuse this planning application.

SPC agree with the points made which include:-

- **The development will have visually unacceptable impact on the setting, a particularly unspoilt valley between Dagnall and Hudnall.**
- **Prominence is increased as the development will be on an upward south facing slope and that there are no similar developments in the Gade Valley.**
- **The proposed development is contrary to the principles of the NPPF.**
- **Additional traffic along Hemel Hempstead Road.**
- **Whilst it would be beneficial to remove the current uses from the site, a residential estate development of 30 houses and an office complex is no solution and in the Society’s view, is totally inappropriate in this location.**

CPRE Bedfordshire (26 April 2021) – OBJECTION

It is noted that CPRE Bedfordshire have objected to the planning application for a number of reasons including the following:-

- Outside the Settlement Envelope (see NPPF Section 79) which is contrary to national and local policies.
- Five Year Land Supply (5.94 years supply as at 1 January 2021) as a result the outlined 30 dwellings are not required by CBC.
- Transport Policy TP1A, where the site in question is not sustainable on transport ground.

These comments are noted and we consider this feedback is very relevant when assessing the subject planning application.

(F) Conclusions

These are as follows:-

Green Belt/AONB

Studham Parish Council considers that the proposed development is inappropriate development in the Green Belt and AONB. Studham and the subject site fall within the Chilterns AONB and should be treated accordingly.

Very Special Circumstances

In accordance with the guidance contained within the revised NPPF document, due to its location within the Green Belt and AONB, the only way that the proposed development can be given planning consent is if there are relevant and valid 'Very Special Circumstances' ("VSC") to justify the end development, which outweigh the harm and openness to the Green Belt.

Are there any?

Three reasons have been outlined (affordable housing; removing an "eyesore" from the landscape and an office building). The Parish Council does not consider any of these are relevant here, nor outweigh the harm and openness to the Green Belt.

Objections

Several objections have been submitted against this planning application.

SPC agrees and understands these comments including the PDL point, a point which needs to be fully investigated by CBC.

Type of Development

The Parish Council do not consider that the proposal provides suitable housing for this part of Studham. We consider that the proposal is an urban housing estate in design and layout which is not appropriate for the subject site at Mile Barn Farm.

If the site is to be redeveloped (in the future), the Parish Council believes that (1) limited new build residential might be acceptable providing it is in keeping with “agricultural” style in design i.e. barn buildings and/or a farm courtyard in layout and (2) only part of the site should be redeveloped.

Location

The site is isolated and falls outside of any settlement (whether Studham or Dagnall). As a result, any redevelopment thereon will adversely impact on the valley setting, and we believe that the proposed development is contrary to the principles of the NPPF.

Footpath Connectivity

The Parish Council believes that unless there is direct footpath access to Studham/Dagnall from the site, no redevelopment should be permitted.

Summary

Taking into account all of the relevant issues, the Parish Council cannot support the planning application as submitted, and strongly opposes the development proposal.

I trust the above commentary and conclusions are self-explanatory but should you have any queries or questions, please let us know.

Yours sincerely,



Cllr Mark Poyner

Studham Parish Council
Chair of the Planning Committee

cc.

Cllr Kevin Collins – CBC
Cllr Eddie Perry – CBC
Cllr Bob Wilkin - SPC
Cllr Geoff Shute – SPC
Cllr Chrys Smith – SPC
Cllr Alan Wright – SPC
Cllr Lynne Smith– SPC
Cllr Mo Rashid - SPC
Mrs Julie Cooper – Clerk of SPC

Appendix 1

Photographs – Taken on 19 April 2021









Appendix 2

Feedback from Mr Richard Stay (following the Parish Council's Planning Meeting)

Concern was expressed over the 'estate' feel of the design bringing an urban feel to a rural location.

The existing buildings are currently used as different variations of storage and distribution, offices, and industrial/light industrial uses. These uses, in particular the storage and industrial uses, result in the site having an untidy appearance and this creates an adverse impact on the character of the surrounding landscape. There are also significant amounts of open storage of building materials which further contributes to adverse visual impacts of the site. This redevelopment would utilise the brownfield land on the site of Milebarn Farm and would provide an opportunity to create a better use of the site, which is more in keeping with, and more beneficial to, the site's designations such as Green Belt and AONB. The design of the development is heavily influenced by the Central Bedfordshire design guides

Questions about the use of solar, are there any solar panels included in the design?

The Developer is proposing to use solar and air source heat pumps in the design.

How will the site be powered – will ground/air source heat pumps be used?

The Developer is proposing to use solar and air source heat pumps in the design.

Access to the orchard & open areas – who will maintain them?

There would be a management company for the residents to pay into to maintain the gardens/open space and Orchard and this would be maintained via a fund. Or we suggest an appropriate (limited) sum of money which is put into a fund via say a bond for the future maintenance of the orchard.

Who will own the commercial/office units?

The Developer would own and lease the commercial and offices units. The Developer could sell the units to freehold.

Questions about the planting scheme & type/maturity of trees to be planted.

The development proposes to increase the level of greenery on the site by planting a number of new trees. These will be situated both within the site and by planting a tree belt which will run from the west of the site to the south in a clockwise fashion. There will also be a community orchard planted at the north of the site. An Arbicultural Impact Assessment on the existing and proposed value of the various trees and shrubs has been completed by Aspect Landscaping and was submitted with the application. The Report states that out of the 25 trees on site, 22 are categorised as low quality, whilst 3 are deemed to be of moderate quality. The proposed tree belt which will surround the site will significantly enhance local tree cover in terms of quantity and quality. The accompanying Ecological Appraisal outlines the ecological benefits and the native tree belt and community orchard is also highlighted on drawing no. BE5305-SK08 Rev B.

Appendix 3

**Copy of the Chilterns Conservation Board response to the initial planning application
[CB/20/00851/FULL) dated 9 April 2020**



Contact: Michael Stubbs
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E Mail: planning@chilternsaonb.org
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Chairman:
Vice Chairman:
Chief Officer:

Cllr Ian Reay
Ray Payne
Dr Elaine King

Central Bedfordshire Council

By email only to CBC planning portal
My Ref.: F:\Planning\Planning Applications\CBC

Location: Mile Barn Farm, Hemel Hempstead Road, Dagnall, Berkhamsted, HP4 1QR
Redevelopment of Brownfield employment site to include 30 Residential Dwellings 268sqm B1
Office space and associated parking.

CBC reference CB/20/00851/FULL

9TH April 2020

Thank you for consulting the Chilterns Conservation Board (CCB) and we wish to raise **objection** to this application. The Chilterns Conservation Board enjoys a general purpose and powers granted under the CROW Act 2000 to have regard to (a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty. Our comments and principal interest here focuses exclusively on the impact on the special qualities of the Chilterns, which in this application comprises its landscape. We fully acknowledge that the (new) AONB Management Plan (policy DPI3) will 'Support opportunities for enhancing the AONB by removing derelict or detracting developments and infrastructure', however that policy objective is not geared to permit harmful development in its stead. The planning weight given to the brownfield arguments promoted here are heavily tempered by the fact that the LPA have rejected a certificate of lawfulness for the retention of many uses.

Summary

CCB's starting point is that this site is unsuitable for a housing estate. It would harm the natural beauty of the AONB and fail to conserve and enhance it. The location is poor for housing. It is not a residential area and is not in a settlement. It is not a sustainable location for new housing, being without any community facilities, in open countryside and with no footway to the nearest village of Dagnall. Paragraph 79 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside, and none of the circumstances that it lists for exceptions to this would apply here (while conversion of redundant or disused buildings can be an exception, re-development does not qualify). We also refer to the (new) AONB Management Plan policies 2019 – 2024 and DOI / 2 and 3 and DP 1 / 2 and 3 (see below).

The development form, layout and configuration does not satisfy the legislation and policy tests that seek robust protection of the special qualities of the AONB. This application would erode those qualities and promotes unsustainable development within the countryside and is positively harmful to delivery of the CROW Act at section 85 and the NPPF at 172.

The weight given to the previously developed land (PDL) status of the site must be limited and indeed qualified by the fact that the planning 'fall-back' or baseline position here is a series of current or former agricultural buildings, with some conversion to a storage use. A number of other uses and functions were not regularised by the LPA when the application for a certificate of lawfulness was recently rejected. We could not find detail in the planning history covering the earth bunding and car storage. Therefore the PDL justification for development falls away and little weight can be attributed.

CCB would support limited conversion and some modest new build and which follows the agricultural design ethos of a clustered Chilterns Farmstead (as found in the Chilterns Buildings Design Guide). That ethos is not followed in the design and layout proposed here and harm follows to this nationally protected and, by definition, highly valued landscape. Further, recreational proximity to the nearby Ancient Woodland would fail to satisfy the NPPF at 170.

The submitted Design and Access Statement refers to some of the mitigation planting (as detailed in the submitted Landscape and Visual Impact Assessment and landscape plans) as a consequence of pre-application consultation with CCB. This is correct, however the development premise of CCB's opinion here was that a residential estate, as now proposed, was deemed unacceptable and harmful to the special qualities of the AONB. CCB would support (a) A much more modest replacement of the southerly buildings on the site. (b) The creation of a small farm courtyard directly behind the existing farmyard which could work well in landscape terms and reflect the vernacular of a Chilterns' farmhouse, set back from the road (c) The majority of the site should have all buildings and uses removed, and the site restored to grassland and left undeveloped. (d) Any new buildings should be modest and have an agricultural look to complement a traditional Chiltern farmstead. The design should follow the cues from the Milebarn Farm converted barns: brick plinth, black weatherboarding and clay tile roof. There are examples and good practice advice in the Chilterns Buildings Design Guide. (e) Buildings should be of a particularly high quality, attractive in design and use appropriate materials. (f) Building heights and positioning are crucial. Ridge heights need to be kept low to avoid impinging on views (g) The layout should be landscape-led and buildings should be set back from the boundaries. (h) Development should be restricted to the valley bottom to respect landscape and traditional settlement character. (i) There is an opportunity to wrap nature around the site with a large natural swathe of tree belt, which would also benefit by screening views of the site from the B440 and Public Rights of Way. (j) Possible uses that might be compatible with this location (unlike residential which is not) would be sustainable rural tourism businesses. A modest walker's café or cyclist café, or craft businesses might work well here.

Detailed Points

The development principle.

The site is in the Chilterns AONB and Green Belt and is therefore subject to national and local plan planning policies which restrict development. AONBs are nationally designated as some of the finest landscapes in Britain. Government policy in the NPPF paragraph 172 is that great weight should be accorded to conserving and enhancing their landscape and scenic beauty; the scale and extent of development within these designated areas should be limited; and that major development should be refused except in exceptional circumstances. The site is unsuitable for a housing estate. It would harm the natural beauty of the AONB and fail to conserve and enhance it. This is a speculative housing application, not on a site allocated in a local or neighbourhood plan. Whether or not the Council can demonstrate a 5 year housing land supply is irrelevant here; NPPF para 11 and footnote 6 make it clear that the presumption in favour is not engaged in AONBs or Green Belt, as areas or assets of particular importance. That point was reinforced by case law in 2019. The scheme as proposed would in the view of CCB, be major development in the AONB, to which para 172 of the NPPF would apply. When a proposal is major, the decision maker will need to assess against the considerations in the NPPF para 172.

Major housing schemes are unlikely to be pass the tests because the need could be met outside the Chilterns AONB, elsewhere in the housing market area.

Previously Developed Land

The site contains a collection of buildings containing businesses, outdoor storage, waste deposition and processing, and disused vehicles parked on hard standings. The recent certificate of lawfulness applications was refused by the LPA. These activities on the site do not make the entire site previously developed land and are not a justification for a wholesale redevelopment with housing.

Landscape character and impacts

The site lies within the Gade Valley. This is a ridge and valley topography, with steep sided slopes. As with other Chilterns chalk valleys like the Hambleden, Wye, Misbourne, Chess, Bulbourne, and Ver valleys, the Gade valley bottom is largely given over to arable farming and the steeper slopes to dairy and sheep, though in recent years the keeping of livestock has declined. The tops of the valley sides are often wooded, usually by beech woodlands (sometimes known as hangers), which give a sense of enclosure. The Central Bedfordshire Landscape Character Assessment (2015) identifies the site as within Landscape Character Area 12A: Gade Chalk Valley. The key characteristics of LCA 12A: *Caddington – Gade Chalk Valley*, are:

- A medium to large scale chalk valley landscape but with sense of enclosure created by the containment of the valley sides. Valley is wholly within The Chilterns AONB.
- Distinct valley landform with topography sloping relatively gently from 150m to 100m with a narrow valley floor/floodplain
- River course imperceptible. Valley floor dominated by the busy A4146 road corridor; however, the road is not prominent in views from the upper valley slopes.
- Land cover is dominated by arable cropping - some smaller areas of pasture.
- Geometric field pattern with boundaries generally aligned perpendicular to the road running up the slope and accentuating the landform.
- The tops of the slopes are characterised by woodlands of beech, ash, maple and hazel and roadside wooded belts and beech hedgerows.
- Medium to long views channelled along the valley corridor are characteristic and contained by the rising valley sides.
- Development largely absent from the valley sides, apart from occasional farm buildings, but with occasional development (industrial, commercial and residential) along the road corridors.
- Former market gardening units converted to industrial uses with visually intrusive access splay. Small-scale quarrying/earth moving activity prominent within the small scale valley landform.
- One right of way crosses the valley linking higher dipslope- plateau areas to either side.

The Landscape Character Assessment identifies that “the areas with highest visual sensitivity are the undeveloped slopes of the valley sides and the transition at the ridge with the adjacent chalk dipslope landscape”. The overall landscape strategy for this LCA is to enhance / renew the chalk valley landscape. The land management guidelines include restoring hedgerow to reintroduce a stronger landscape pattern and enhance the woodland resource by extending and connecting areas of woodland.

The key messages for the Milebarn Farm site are that development is largely absent from valley sides, and that maintaining views to undeveloped valley sides is important. In comparison with some other chalk valleys, the Gade Valley is particularly undeveloped and intact in its historic character, and this should be protected, for the site's own sake and the avoidance of precedent. CCB supports the use of a Landscape and Visual Impact Assessment, to inform planning applications and decision-making. In our judgment this demonstrates that the impact on both the landscape effects and visual effects would be major/moderate negative/adverse in impact. Mitigation planting, as proposed does not prevent, reduce or offset any such adverse effects.

Ecological Impacts

Nearby Ravensdell Wood is ancient woodland as is Badgers Wood on the opposite side of the valley. Ancient Woodland is an irreplaceable habitats and development resulting in its deterioration should be refused (NPPF para 175c). Adding homes and domestic pets in proximity to these ancient woodlands would not assist ecology. There are Priority Habitats (both chalk grassland and deciduous woodland) nearby. The site is shown as important for Priority Species: grassland assemblage farmland birds and lapwing. The site is in the impact zones of the Chiltern Beechwoods Special Area of Conservation (a European level designation), Ashridge Commons and Woods SSSI, and others. There are signs of Badgers sets nearby along the Chiltern Way hedgeline. The pond to the west of the site and the nearby road ditch suggest suitability for amphibians like newts.

Chalk stream impacts

A nearby roadside ditch currently takes surface water run-off from the road. This ditch appears on the map above to connect to the very start of the River Gade, one of the Chilterns nine chalk streams, which are globally rare habitats. The blue line on the map is the River Gade. Chalk streams are fed from groundwater held in the chalk that makes up the Chiltern Hills, and this gives them some unusual features. Chalk is an aquifer, which means that it is able to soak up and hold water. Water can move through the chalk in fissures. The water emerges at ground level in the form of springs that feed the chalk streams. Since groundwater levels in the chalk vary according to rainfall and season, chalk streams are naturally intermittent in their flow. Over abstraction of the aquifer for public water supply is also severely depleting the flow of Chilterns chalk streams and any additional development makes this worse. For more information on why chalk streams are important and threats to them, see here. CCB would be concerned that any contaminants from the current activities (e.g. car repairs, car spraying, building waste processing) could seep down into the chalk aquifer.

Any future project on this site should be designed to provide a net gain for biodiversity, for example by enlarging, restoring and connecting habitats (see the Lawton Principles Lawton et al 2010 *Making Space for Nature: A Review of England's Wildlife Sites and Ecological Network*, DEFRA). There could be fantastic opportunity to connecting the nearby priority habitats and ancient woodlands. For example by arable reversion on the upper slopes of the valley and its restoration as chalk grassland. Chalk grassland should be the priority as this is a rare habitat and the topographic conditions are perfect here for chalk grassland, which has very particular requirements. The expansion of deciduous woodland on the valley top could also be beneficial. The restoration of old field boundaries (hedgerows) running perpendicular to the valley bottom road, and the gapping-up of remnant hedgerows and their proper management would be highly beneficial. It would create ecological corridors for bats, birds, mammals and invertebrates.

AONB Management Plan 2019 - 2024

The new [Chilterns AONB Management Plan 2019-2024](#) was adopted in February 2019 and may be a material consideration when assessing planning applications (as set out in Government's [PPG](#) para 040 on the Natural Environment). The planning objectives in the Management Plan are

- DO1 Ensure planning decisions put the conservation and enhancement of the AONB first.
- DO2 Ensure that where development happens, it leaves the AONB better than it was before – richer in wildlife, quieter, darker at night, designed to have a low impact on the environment, and beautiful to look at and enjoy.
- DO3 Embrace opportunities to restore natural beauty on sites currently degraded by unsympathetic development, infrastructure or dereliction.

A number of detailed Chilterns AONB Management Plan policies are relevant to this application:

- DP1 Ensure planning decisions take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection in the NPPF.
- DP2 Reject development in the AONB unless it meets the following criteria:
- a. it is a use appropriate to its location,
 - b. it is appropriate to local landscape character,
 - c. it supports local distinctiveness,
 - d. it respects heritage and historic landscapes,
 - e. it enhances natural beauty,
 - f. ecological and environmental impacts are acceptable,
 - g. there are no detrimental impacts on chalk streams,
 - h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and
 - i. there are no negative cumulative effects, including when considered with other plans and proposals.
- DP3 Refuse planning permission for major development in the AONB unless there are exceptional circumstances and where there is a clear demonstration it is in the public interest.
- DP5 Require a Landscape and Visual Impact Assessment that meets the standards in the GLVIA latest edition for developments in the AONB or affecting its setting.
- DP6 Support sustainable farming and forestry, nature conservation and facilities for visitors appropriate to the special qualities of the AONB.
- DP7 Only support development that is of the highest standards of design that respects the natural beauty of the Chilterns, the traditional character of Chilterns vernacular buildings, and reinforces a sense of place and local distinctiveness. Require a Design and Access Statement to accompany every application, explaining how it complies with the Chilterns Buildings Design Guide www.chilternsaonb.org/conservation-board/planningdevelopment/buildings-design-guidance
- DP8 Keep skies dark at night by only using light where and when needed. All new lighting should be the minimum required and meet or exceed guidance for intrinsically dark zones. Avoid architectural designs that spill light out of large areas of glazing.
- DP10 Make sure that all development that is permitted in the AONB or affecting its setting delivers a net gain for the Chilterns by a. on-site improvements for biodiversity, landscape, the rights of way network, AONB visitor facilities, and/or b. financial contributions, secured through s1065, CIL, or offsetting schemes, towards wider green infrastructure projects that enhance the AONB by meeting the aims of this AONB Management Plan.

- DP13 Support opportunities for enhancing the AONB by removing derelict or detracting developments and infrastructure.
- DP14 Avoid new or upgraded infrastructure (roads, railways, airports, pylons, masts etc.) which harm the AONB landscape, nature, air quality, tranquillity or the visitor experience. Fully assess impacts on the AONB, including increased recreation pressure, traffic, overflying and severance of ecological connectivity in the AONB. Avoid, mitigate and compensate to achieve a net gain for the AONB.
- DP15 Seek opportunities to remove or replace existing inappropriate external lighting to restore dark skies at night.

In conclusion, the Board considers that, because the development is considered to neither conserve nor enhance the natural beauty of Chilterns AONB, it would have detrimental impacts on users of the AONB, it is contrary to planning and other policy and there are no overriding circumstances that would warrant a departure, the application should be refused.

The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB (Section 85 of [CroW Act](#)).

The Chilterns Conservation Board is a body that represents the interests of all those people that live in and enjoy the Chilterns AONB. It is made up of representatives nominated by the organisations listed in Appendix 1.

Should you require any further information please do not hesitate to contact me.

Yours sincerely,

Dr Michael Stubbs MRICS MRTPI
Planning Advisor
For and on behalf of the Chilterns Conservation Board

Appendix 2

Feedback from Mr Richard Stay

Following the Parish Council's Planning Meeting held on Monday 15 November 2021

CB/21/01017/FULL

Mile Barn Farm, Hemel Hempstead Road, Dagnall Berkhamsted HP4 1QR

Redevelopment of brownfield employment site to include 16 residential dwellings, 268sqm B1 office space and associated parking. Resubmission.

Follow up questions from Studham Parish Council were noted at the meeting of 15th Nov 2021, with responses below.

1. Why haven't we put 3 lanes (essentially a filter lane) in place for turning into the site from Hemel direction?

In terms of a right turn lane at the site access, this is not required in capacity or safety terms and has not been requested by CBC Highways Officers as part of this or any of the previous applications. The Department for Transport DMRB CD123 document states that right turn lanes are not required where traffic flows on the minor arm (in this case the site access arm of the junction) are below or around 300 two-way movements. Given the scale of the development, we are not anticipated to generate anything like this level of traffic and as such, based on DfT guidance, a right turn lane is not required. The current access operated without a right turn lane and has operated safely without a recorded Personal Injury Accident (PIA) in the last five years of available data.

2. Why haven't we considered ground source heat?

Energy sustainability is important and we are looking into this without delay to find the right solution. We are in dialogue with our energy advisors in this respect, we will revert once we have a detailed response.

3. Where will visitors park?

Visitor spaces are provided within the development and there is ample car parking space allocation for all dwellings including the larger homes (e.g. 4 spaces in addition to a double garage allocated to 5-bed unit at no.14)

4. Not enough parking & some residents would have a long walk from their garage to front of house.

We can confirm that the CBC 'suggested' car parking standards are met and exceeded by 6 spaces overall when including the garages. If there are any car parking spaces (a short walk) away from the respective dwelling, they are usually in addition to the garages or in the adjacent covered car parking area to the middle terrace at units 4 and 5.

5. What if the attenuation tanks overflow?

This has already been considered in the design. Overflow from attenuation has been taken into account in this application, and flows will follow designated flow routes out of the site. It would follow the existing drainage regime if an extreme flood event were to happen pre-development.

6. Have we received an approval for the Certificate of Lawful development?

The decision on the Certificate of Lawful Development is imminent. It is currently with the Council Officers for consideration and determination.

7. More detail on the materials?

The following materials are proposed for the different house types:

- a. For house type E and C the materials include the following: buff brick, red roof tiles, timber doors and lintel, PVC windows and corrugated metal roofs.
- b. For house type A the materials include the following: red brick, red roof tile, timber doors and lintel and PVC windows.
- c. For house type F the materials include the following: buff brick, red roof tile, timber doors and lintel and PVC windows.
- d. For house type B the materials include the following: buff brick, red roof tile, timber doors and lintel and PVC windows.
- e. For house type C the materials include the following: buff brick, Red roof tile, timber doors and lintel, PVC windows and corrugated metal roof.
- f. For house type D and E the materials include the following: buff brick, red roof tile, timber doors and lintel, PVC windows and corrugated metal roof

8. What strength would the Broadband have?

A utilities survey from Groundwise has been submitted to support the application. This demonstrates that BT currently have apparatus close to the site and can provide a strong broadband connection.

9. Will the developer retain or sell the office space?

The developer is minded to retain ownership of the employment space and lease out the office spaces to local businesses.



Clerk to the Council

Mrs Sally Harrop
32 The Orchard
Kings Langley
Herts
WD4 8JR

Email: clerk@studhamparish.co.uk

Andy Jones – Trees & Landscape Officer
Planning Department
Central Bedfordshire Council
Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ

16th November 2021

Email to: planning@centralbedfordshire.gov.uk

Dear Andy

<u>Application No:</u>	CB/TRE/21/00538
<u>Location:</u>	Tintern, Swannells Wood Studham LU6 2QB
<u>Proposal:</u>	Works to a tree protected by a Tree Preservation Order SB/85/0004: Reduce 1 ash tree and a group of hornbeams to previous pruning points

Members of the Studham Parish Council reviewed the above application documents on Monday 15th November 2021.

The Parish Council have no material issues with this application and are confident that it will be determined as appropriate.

Yours sincerely,

Sally Harrop
Clerk to Studham Parish Council



Clerk to the Council

Mrs Sally Harrop
32 The Orchard
Kings Langley
Herts
WD4 8JR

Email: clerk@studhamparish.co.uk

Andy Jones – Trees & Landscape Officer
Planning Department
Central Bedfordshire Council
Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ

16th November 2021

Email to: planning@centralbedfordshire.gov.uk

Dear Andy

<u>Application No:</u>	CB/TRE/21/00539
<u>Location:</u>	Meadowside, Swannells Wood Studham LU6 2QB
<u>Proposal:</u>	Works to a tree protected by a Tree Preservation Order SB/85/00015/G3: Reduce the hornbeam trees and beech tree to previous pruning points.

Members of the Studham Parish Council reviewed the above application documents on Monday 15th November 2021.

The Parish Council have no material issues with this application and are confident that it will be determined as appropriate.

Yours sincerely,

Sally Harrop
Clerk to Studham Parish Council



Clerk to the Council

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Andy Jones – Trees & Landscape Officer
Planning Department
Central Bedfordshire Council
Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ

16th November 2021

Email to: planning@centralbedfordshire.gov.uk

Dear Andy

<u>Application No:</u>	CB/TRE/21/00540
<u>Location:</u>	Aldington, Swannells Wood Studham LU6 2QB
<u>Proposal:</u>	Works to a tree protected by a Tree Preservation Order SB/85/00015: Reduce group of hornbeams to no further than previous pruning points and reduce cherry tree to no further than previous pruning points.

Members of the Studham Parish Council reviewed the above application documents on Monday 15th November 2021.

The Parish Council have no material issues with this application and are confident that it will be determined as appropriate.

Yours sincerely,

Sally Harrop
Clerk to Studham Parish Council