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DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 14 JULY 2022 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Guest (Chairman)	Councillor Douris
Councillor C Wyatt-Lowe	Councillor Williams
Councillor Beauchamp (Vice-Chairman)	Councillor Hollinghurst
Councillor Durrant	Councillor Stevens
Councillor Hobson	Councillor Tindall
Councillor Maddern	Councillor Riddick
Councillor McDowell	

For further information, please contact Corporate and Democratic Support or 01442 228209

AGENDA

7. **ADDENDUM** (Pages 2 - 28)

Agenda Item 7



DEVELOPMENT MANAGEMENT COMMITTEE
14 July 2022

ADDENDUM SHEET

Item 5a

21/03549/MFA Demolition of existing building and construction of new building to accommodate 28 residential units.

1A Frogmore Road Industrial Estate, Frogmore Road, Hemel Hempstead, Hertfordshire, HP3 9RW

Recommendation

As per the published report.

Item 5b

21/01720/FUL Change of use of agricultural land to dog walking paddock with the use of West Leith Farm existing car parking for customer/ visitor parking.

West Leith Farm, West Leith, Tring, HP23 6JR

Representations – consultees

Hertfordshire Ecology : Additional Advice: 11 July 2022

'I have been made aware of further concerns which have been raised regarding the previous tree works affecting Tring Woods SSSI, as well as a different land use (Alpaca trekking) within the proposed dog walking area.

In respect of the SSSI, my previous comments represented a detailed review of the works I saw signs of on my site visit. Whilst branches of some trees originating within the SSSI had been cut, these were principally overhanging the field. The works would have had no significant impact on the integrity or special interest of the SSSI. In my view they wouldn't even constitute woodland works, as they did not involve any 'woodland' area, merely a small number of overhanging branches into the adjacent field. Lopping of these could not possibly be considered as works to the woodland itself - merely limited arboricultural works to trees, some lower branches of which were overhanging the field. The field boundary fence is immediately adjacent to the bottom of the woodland slope as can be seen in the original photos and so any branch reaching out towards the light from within the woodland itself will naturally overhang the open field above and beyond this fence.

Given the intention was to create a horse-riding track around the edge of the field, clearance of overhanging branches is not unreasonable where they could otherwise cause an obstruction, but presumably permission should have been obtained from NE given the status of the site. There would be no reasonable ecological reason why any such proposals would not have been consented to - removal of a small number of small to medium sized branches would not constitute damage to a large woodland SSSI, which historically would have been subject to extensive tree felling and other management. Whilst at least one medium sized branch within the SSSI boundary had been removed, no obvious evidence of any other works within the SSSI boundary itself were noted. The special interest or integrity of the SAC is similarly not affected. There is still considerable overhang from the SSSI trees over the field edge in places, but this comes from much higher branches / canopies, of mature beech and ash trees, and does not represent an obstruction.

I acknowledge a lot of material may have been removed, but I consider much of this may have been associated with the adjacent hedgerow, long sections of which had been felled, and the gaps planted up. This may appear excessive or even damaging, but such management of long neglected features is consistent with appropriate management, as long as regrowth is protected from browsing animals. Cutting it higher-up is consistent with this – as has been done. It is basic neglected hedgerow rejuvenation – although it can look rather brutal at the time. The difference is that it is not often seen – most hedges are either regularly flailed or simply left to get very leggy – as this one had been. Then they fall over or eventually degrade and disappear into a row of few surviving single stems. In this case, other than a couple of very old, already dead stools, all of the mature hedgerow species have recovered well and have rejuvenated with much regrowth – including hazel, field maple, elder, hawthorn and elder. The hedge on the other side of the green lane has not been managed.

Use of the remainder of the field by Alpacas – as a 'grazing' animal – could be considered consistent with an agricultural operation as defined by TCPA, and as such would not require planning permission if the land was still considered to be grazed and so in agricultural use. Use for purely leisure purposes would presumably be another matter.

I have recently checked the site again (11/07/22) and cannot see any evidence of any further works or any reason to change my views. Consequently I am satisfied that my original comments reflect the impacts of the works undertaken and would not constitute or justify an objection to the proposals on the grounds of ecology'.

Natural England

(Please Note: This response was not automatically transferred from the received consultation responses to the Report and for this reason is included in the Addendum)

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON TRING WOODS AND THE AONB: Land use change/erection of permanent structures(fencing and hardstanding)

As submitted, the application could have potential significant effects on Tring Woods. Natural England seeks further information in order to determine the significance of these impacts and the scope for mitigation.

The following information be welcomed:

Evidence of woodland edge trees and shrubs being coppiced/damaged by mechanical means to erect fencing. If a defined hedgerow adjacent to the woodland edge, was a Section1 of the W&C Act 1981, knowingly damaging an active bird's nest

As grassland and protected species are present within the parameters of the application, and the SSSI, a screening opinion should be operated by either the Local Authority or applicant, and may involve both an EIA for the grassland, and a HRA for the protected species noted within and using the SSSI/SAC woodland. Consultation bodies, such as Herts Ecology and HMWT, can provide more guidance

Contacting NE Wildlife Licensing Team, to determine any detriment, to the movement/foraging and flight of named protected species, and any mitigation advice or license to issue

Concerning the proposed land use change, and structural erection of permanent features, please consult with the Chilterns AONB authority, for their comments.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Landscape advice (AONB)

The proposed development is for a site within or close to a nationally designated landscape namely Tring Woods SSSI. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You should also allow a further period of 21 days before the operation/s can commence.

Representations (Neighbours)

Five Hills Cottage

'....I have read the report, and just have a couple of questions/clarifications.

- I note that the suggestion is to grant Temporary, personal planning permission for 15 months. Will this then turn into permanent permission after 15 months, or will a new application be needed to make this permanent based on the 6 measures you mention in the report being passed? Does this also mean that the consent is non-transferable should the land be sold or sub let?
- One of the conditions is that "no more than 7 vehicle movements to and from the site in any one day by visitors". Does this include visitors who are using the newly promoted Alpaca walking experience? <https://www.westleithfarm.co.uk/> The walking route uses the 'horse' track that was created around the edge of the dog paddock. This has already increased the number of vehicles visiting the farm and utilises the same car park as the proposed dog walking enterprise.

Should the committee conclude that the Temporary permission be granted, I do applaud the constraints on opening hours and week day operation only (Would this exclude Bank Holidays as well?) and also the introduction of a 30 meter exclusion zone, to further protect our residential amenity. Hopefully this doesn't mean the introduction of further fencing!....

West Leith Bungalow

'I have been advised that we are able to add an addendum to our comments prior to the Council meeting on Thursday regarding the dog walking paddock.

I hereby provide you with my addendum, please ensure it is added for the council to read on or before Thursday's meeting and be considered in the decision process, thank you.

Further to our previous comments we wish to add the following.

In para. 10.2 of the planning officer's report it states that the proposal provides a 'need' for dog walking facilities in the countryside rather than an urban location. How has this conclusion been reached ?, have there been any local surveys done?

This application is in AONB countryside, where people CAN(and do) walk their dogs in one of the most beautiful regions of the country. This is not an urban area. Surrounded by hundreds of acres of woodland, parks, quiet country lanes and public footpaths. The 'need' for a dog walking paddock in this area is unnecessary given it's location.

Dog walking facilities are located in areas where none of these opportunities are available, two such sites local to West Leith are in Bovingdon and Horton.

Many use these facilities as they have dangerous or 'unruly' dogs and feel they are unable to let them off the lead in public spaces. This is a cause for concern, given the 'hand in glove' close proximity of the paddock to residents of West Leith and Tring Woodland users, should such dogs escape. As the Hertfordshire Ecology report noted, 'most dogs are invariably out of control'.

The site is accessed along West Leith, a single-track dead-end road, then, turning right onto an unmade dirt track to gain access to the site's car park, passing in close proximity to three dwellings, with clear views into these properties' windows and doors. This dirt track also provides access to a private farm gate and a public footpath. Including the dirt track access, the 'site' encompasses West Leith residents by 270 degrees, from accessing the car park to the dog walking paddock.

The car park is not located near the paddock; therefore, the dog owners walk along the rear of 6 West Leith properties to arrive at the paddock. Again, a concern of escaping dogs. If the suggestion of a 30-metre buffer be provided at Five Hills Cottage, then it should be applied to the 270 degrees the site covers to give some protection to all who are affected .

West Leith is in 'The Chilterns Beechwood SAC' 500-meter exclusion zone, housing and other similar developments within this zone are likely to be refused. This report reveals more action is needed to protect this area due to increasing visitor pressure. The report also shows 'recreational activities' are causing landscapes to come under increasing pressures, which can erode valuable habitats and disturb wildlife. Introducing 'alien urban elements' such as enclosed domestic dog walking in this area is not supporting the reports intentions and brings nothing to the AONB, socially, economically(other than the applicant) and most importantly will have a detrimental effect environmentally.

Natural England(a government body) provide guidance and strategies to preserve areas of AONB status and to ensure the conservation and enhancement of them. Their public comments regarding this application, along with those from The Chiltern Conservation Society are highly motivated in promoting the preservation of this area, addressing how damaging this application potentially could be. NE refer to para. 115 of the NPPF, 'Which gives the highest status of protection for the landscape and scenic beauty' of AONBs and National Parks.

It is important to highlight NE's closing statement,

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice.

It has been highlighted numerous times the need for the applicant to be able to 'diversify'.

Since April this year the applicant has been operating an 'Alpaca trekking' business at the West Leith site, which has provided an opportunity for them to 'diversify'.

This is proving to be very popular and is patronised by both locals and others from further afield, operating 6 days a week, offering a variety of walks and opportunities to meet the animals and having recently diversified further by introducing retail merchandise to purchase and 'farm cream teas'. This has clearly given the applicant an excellent 'diversified' alternative (and income) and is clearly successful with the regular daily visitors to West Leith. Using the existing resources of the farm animals and knowing that it has no adverse effect on Tring woodland, proves that this business is a wiser and more considered approach than a dog walking paddock. Given that the applicant has an established, thriving business, which means we have extra traffic in West Leith already, it seems unfair to expect the community to be subject to more, should permission for the dog walking paddock be granted.

It has taken 18 months for this planning application to come to the committee, which has been a very long time for both the applicant, the residents of West Leith and the 30 plus people of Tring and the surrounding areas who also object (see online public comments). It seems inappropriate to subject both the applicant and the residents of West Leith to a further 15 months of a 'trial' run of the dog walking business, when the applicant has a thriving business already'.

Note: 'Please note... advice' was written in a larger size.

West Leith Barn

Having now had the opportunity to read and consider your report we would like to bring the following matters to your attention as per our telephone conversation last week.

Please accept this as our formal amendment in response to your report and as further substantiation to our original objection of the application.

To aid the matters raised below, please refer to photographs and marked up plan

- . Marked up plan
- . Photo 1 - Access to proposed car park along track which is also public footpath and runs parallel to our glazed elevation - shown on the mark up
- . Photo 2 - Access further along track leading into proposed car park - shown on mark up
- . Photo 3 - View from our garden into proposed car park with no buffer - shown on mark up
- . Photo 4 - View along track showing access to my property on left and public footpath on right - shown on mark up
- . Photo 5 - Showing proximity of my large lounge windows to the track to car park
- . Photo 6 - Showing car park entrance with my property boundary on the left - shown on mark up

Photo 7 - View of car park from my garden

Responses are made against the relevant report references

Parking / Access for Persons with Disabilities/ Limited Mobility

9.39 *The use of the existing parking area is appropriately located in relation to the field. The car park can accommodate at least 6 cars which is more than adequate given the number of users at any one time with only 2 spaces necessary.*

We would like to bring to your attention that the car park is adjacent to the fence-line of our garden and that is not adequately explained on the planning reference 9.39. In this regard I have provided a mark up of the original plan showing the extent of our garden and the close proximity of the proposed car park.

We would note that each arrival and departure of customers, starts and ends in the car park and as such all of the relevant comments pertaining to the dog paddock should be reflected to the car park area as it forms an integral part of the "site".

The report makes mention to an increase buffer between the dog walking paddock edge and Five Hills Cottage boundary (marked up on the plan) , we would request the same consideration be given to our boundary line at the proposed car park.

A sensible solution would be to utilise the lower car park area, as highlighted on our marked up plan, located away from our garden boundary fence

Agent's Planning Statement

9.21 *In support of the application the Planning Statement confirmed the following which pre dated the Agent's update at Paragraph 4.5:*

The nearest property to the site is Five Hills Cottage, the flank boundary of which is around 8m to the west of the site.

Response- We believe this to be an incorrect statement when considering the location of proposed car park, which as has been confirmed, is included as part of the "site", Our home , West Leith Barn, is immediately adjacent to the car park and therefore the nearest property to the site without any current consideration of a reasonable buffer

9.23 *In viewing the relationship of the proposed dog walking area with Five Hills Cottage there is need for a far more precautionary approach, with due regard to the Environmental and Community Protection Team's response*

9.24 *The proposal involves an intense use of land. There would be some resultant noise/ activity associated with the use affecting Five Hills Cottage, notwithstanding that the strip of land/ grass track separating the fenced area from the elongated common boundary would create a buffer.*

Responses - As confirmed West Leith Barn being impacted as part of the "Site" also requires a precautionary approach as it is situated immediately adjacent to the proposed car park and will undoubtedly be impacted by resultant noise/ activity.

9.25 There is the associated issue of the loss of privacy for the dwelling due to the difference in levels and the closeness of flank wall windows.

Response - This point should be extended to include West Leith Barn as it too has flank wall windows with the same loss of privacy

9.26 Given the application site's relationship with Five Hills Cottage and the size of the application site, there is the clear opportunity to establish a much wider physical buffer between the site and the common boundary with Five Hills Cottage.

Response - We believe there should be consistency with regards to establishing physical buffer between our West Leith Barn boundary, and the proposed car park. As can be seen from the photographs 3 and 7 only a low hedge fence and a line of now dead conifers on the car park side divide the two areas of car park and landscaped garden.

9.27 Also, there is the requirement to consider the impact upon the residential amenity of the housing at The Barns facing onto the access road leading to the parking area at West Leith. This is with reference to increased vehicular movements and the level of associated resultant noise, disturbance, and privacy.

Response - With regard 9.27 we would confirm that our property alone has 4 No windows facing directly onto and within less than 2mt (6feet) of the unmade track leading to the proposed car park See photographs 1 and 5. We have a legal easement to use this lane. Please consider, a total of 10 No windows and one set of access doors are located along the building elevation of the access track. The proposed route to the car park will result in an impact and disturbance.

9.28 It is considered that there is a need for the most careful and comprehensive consideration of the impact of the use of the paddock in terms of the impact upon residential amenity of the locality and the need to conserve the existing tranquillity of this part of the AONB

Response - Whilst we agree, 9.28 must relate and extend to, the proposed car park as well as the paddock, noting this being the arrival and departure with the very real possibility of cross over between clients however much this is stated will be avoided.

9.29 This can be addressed by a temporary and personal permission of 15 months with reduced hours, no use at weekends and the establishment of a wider buffer, as referred to by the recommended conditions. The initial use could be reviewed after this period requiring the Applicant to keep daily records of the use and for the LPA to visit the site. This approach is with due regard to the 6 tests for the imposition of conditions.

Response - We would consider that Bank Holidays should also be included in the "no use" period as these are certainly very busy days for the wider public to use West Leith and the footpath along the access track to the proposed car park. We would also request for an agreed, published and monitored plan to be included within any LPA temporary permission.

9.31 Notwithstanding the form of the access to West Leith Farm, there has been no objection from HCC Highways, with a precautionary caveat regarding the Rights of Way Officer's comments.

Response - Whilst HCC raised no objections , a considerable number of objections found on the portal mention concern and risk to the public and horses along the single lane West Leith and the track if additional traffic was permitted.

9.35 There were objections from the Rights of Way Officer to the Original Scheme. However, as there is no evidential base to substantiate this, it is questionable whether there would be a case to refuse the application for this reason.

Response - surely if the LPA received objections from the Rights of Way Officer, they should be treated as objections, and if the LPA requires evidence, the onus of such responsibility would sit with the LPA to seek it.

Parking / Access for Persons with Disabilities/ Limited Mobility

9.39 The use of the existing parking area is appropriately located in relation to the field. The car park can accommodate at least 6 cars which is more than adequate given the number of users at any one time with only 2 spaces necessary. With some help a person(s) with disabilities/limited mobility could access the paddock.

Response - Further to the comments made above ,the car park may well be deemed “appropriate to the field” however its location in relation to West Leith Barns garden is not. It abuts our boundary without any affective buffer. Consideration should be given by the LPA to relocating the proposed car park down to the farm buildings car park (see marked up plan) as this would have the following benefits-

Providing a buffer to West Leith Barn garden as currently there is no provision

- . Avoiding the restrictions pertaining to the Sewage Treatment Plant - see 9.56 of the report.
- . Reducing the impact of noise and disturbance

9.60. Accordingly, in recommending planning permission, this is on the following basis:

Level of Use. Only between 10.00 and 15.00-hours Mondays to Fridays each week and therefore not during Saturdays and Sundays.

Response - We would ask that this be extended to include “No Bank Holidays” as this is the period of additional usage by the public for activities.

10.2 The proposal would enable the Farm to diversify, providing local need for dog walking facilities in a countryside rather than urban location.

Response - The Dog walking paddock is totally surrounded by countryside free and available to walk dogs, so the statement is rather superfluous.

10.5 The fencing has similarly harmed the character and appearance of this part of the AONB, because of its scale and visibility. The deletion of the initially proposed car park has however diluted the impact of the development- the car park was fundamentally unacceptable in this sensitive location harmful to the AONB and the residential amenity of Five Hills Cottage.

Response - The “deletion of the initially proposed car park” hasn’t diluted the impact ; it has just shifted it from its unacceptable location at Five Hills Cottage to an equally unacceptable

location affecting the residential amenity of West Leith Barn without any current consideration to a buffer.

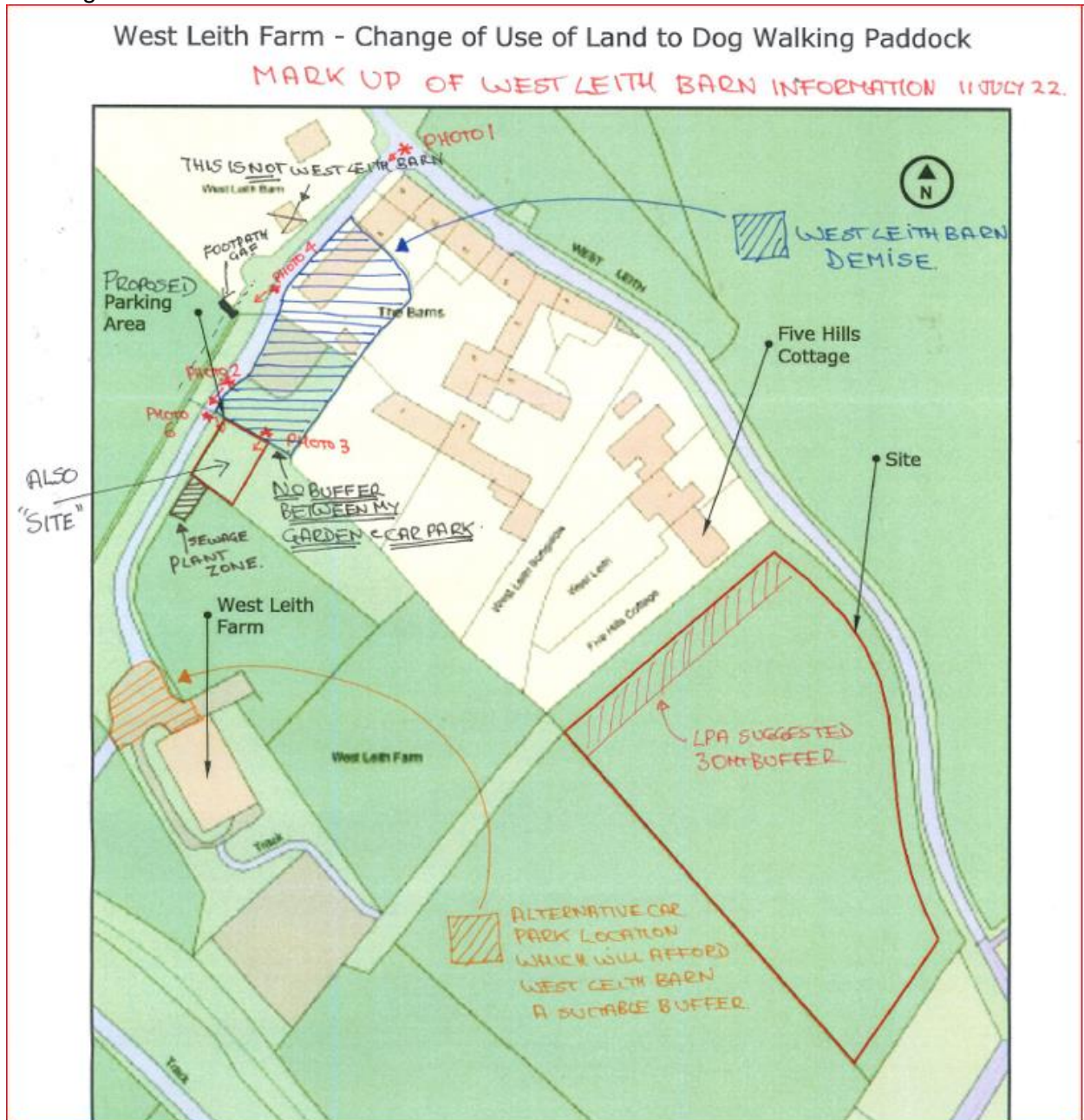
10.8 As much of the physical infrastructure is in place, a temporary and personal permission for the very robust reasons would enable the Applicant to commence the use without major additional investment. This is because the fencing is in place and the original car park has been deleted and at this stage a soft landscaping condition is not considered appropriate

Response - Whilst The original car park was indeed “ deleted”, the new proposed location on the boundary of West Leith Barn landscaped garden, without any current consideration of a buffer similar to that afforded correctly to Five Hills Cottage, has just shifted all the valid parking impacts contained within the report, previously faced by Five Hills Cottage to West Leith Barn.

As such we would ask the LPA application be reviewed in this regard to afford the same protections to West Leith Barn

Please can you confirm this email has been received and will be made available to the committee prior to Thursdays’.

meeting’.



Recommendation

That planning permission be DELEGATED with a view to APPROVAL subject to consultation with Natural England.

Change to Condition 4 to include Bank Holidays:

‘Notwithstanding the submitted details, the use hereby permitted shall only be between 10.00 and 15.00 hours Mondays to Fridays each week and therefore not during Saturdays and Sundays and not during Bank Holidays’.

Note:

(1).Alternative Car Park Arrangement : The Agent / Applicant is considering the request to change the parking arrangements and has been sent the submitted annotated plan. Members will be updated at the meeting.

(2). The 'Alpaca trekking' business. Based upon the available information, it is considered that this would require separate planning permission.

Item 5c

21/04605/RET Change of use of basement from restaurant to hot food take-away (Cloud kitchen concept).

Basement At 65 High Street, Hemel Hempstead, Hertfordshire, HP1 3AF

Hours of Use

The application form specifies:

Monday to Friday: Start Time : 10.00, End Time 05.00

Saturday: Start Time 10.00, End Time 05.00

Sundays and Bank Holidays: Start Time : 10.00, End Time 05.00

Recommendation

As per the published report subject to an additional condition:

Notwithstanding the hours of use specified by the submitted application form, after 12 months of the first use of the application site for the approved purposes details of the same or alternative hours of use shall be submitted to the local planning authority, accompanied by a report confirming how the use has operated during this period with reference to the impact of the use after 01.30 each day upon the residential amenity of the area. Thereafter at all times the use shall operate fully in accordance with the approved same or alternative hours use approved by the local planning authority.

Reason: In the interests of the residential amenity of the locality in accordance with Policies CS12 and CS32 of the Dacorum Core Strategy (2013), as the use after 01.30 requires review.

Item 5d

22/01214/FUL Replacement dwelling

2 Bulbourne Close, Berkhamsted, Hertfordshire, HP4 3QA

Recommendation

As per the published report.

Item 5e

22/01245/MFA Demolition of existing kennel buildings. Construction of two dwellings with new access and the retention of existing staff accommodation and its use a market dwelling (amended scheme)

Hazel Corner Dog Hotel, Windmill Road, Markyate, Hertfordshire, AL3 8LP

Recommendation

As per the published report.

Item 5f

22/01208/FHA Double side extension with internal remodelling

15 Cedar Road, Berkhamsted, Hertfordshire, HP4 2LA

Additional representation:

13 Cedar Road:

I am writing in regards the proposed development for a double side extension with internal remodelling at 15 Cedar Road, Berkhamsted, HP4 2LA (Ref: 22/01208/FHA and available to view at: <https://planning.dacorum.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=RA8182FOMOG00>) which is to be discussed at the meeting this Thursday (Agenda item 5f).

As a boundary neighbour, I was shocked to read the Case Officer's report and to see it contained significant amounts of misleading and factually incorrect information. As such,

I wanted to write to you in advance of the Committee to put across a more truthful account and to urge you to visit the site yourself in advance of the meeting if you are able.

The significant points contained within the Case Officers report which I believe to be factually incorrect are as below:

9.3 “That the development is in keeping with the surrounding area in terms of scale, mass and height.”

This is factually incorrect as shown on the attached ‘Overview of existing Extensions’ which I have compiled. There is no existing precedent for such a large scale development within the existing area.

9.6 “First floor side extensions are normally discouraged, however taking into account the neighbour’s extension at no.13, that has extended up to the boundary, albeit with a further set-back, it is not considered that the proposed extension would upset the planning characteristics found in this area.”

This is misleading as when we looked to complete our extension, we initially consulted with Dacorum’s planning department and were told that under no circumstances would we be able to build fully across the garage and up to the boundary to avoid a ‘terracing’ effect. As such, we were very careful not to cover the original landing window and to ensure that whilst building up the boundary, the extension was set back and had a hipped roof structure to avoid this ‘terracing’. The proposed extension at no.15 doesn’t meet any of these criteria, covers most of the area, right up to the boundary and has a fully open gable with no hipped roof. What has changed in the last 8 years which means that this has gone from ‘not permitted’ to ‘recommended to be granted’?

9.6 “Furthermore, other properties on Cedar Road have extended up to the boundary at first floor level, including nos. 9 and 18.”

This is factually incorrect. No. 9 has built up to the boundary, but only covering 50% of the garage and not covering the original landing window, so this is misleading. Similarly, no.18 is a detached property on it’s own plot and so is irrelevant in the scheme here. I have included photographs of nos. 9 and 18 to show that in these cases, the extensions have been done tasteful and to avoid a terracing effect, and that no.18 is a detached property on its own plot.

9.6 “The proposed set-back at first floor level would give the impression of spacing between the properties. i.e. the gap would only appear closed when viewed from straight on.”

This is misleading and factually incorrect, as the proposed set-back (c 60cm) would give only minimal impact against terracing as it is so small, as such, the terracing effect would be visible from much further down the street. Furthermore, I’m unaware of the planning rule that says terracing only comes into effect when viewed straight on.

9.6 “Furthermore, the proposed extension would be visually comparable to others within the street scene.”

This is factually incorrect. As shown on the attachment ‘Overview of existing Extensions’ you will see that no other property on Cedar Road as a full open gable end, not even no.3 which is the end of-row. As such, this would lead to no.15 having a significantly increased size, mass and bulk to any other property on the street.

9.7 “The proposed development would be finished in materials to match the parent dwelling, including white painted render.”

This is potentially misleading as, due to building right to the boundary, it would not be possible to complete this work without gaining access from the neighbour at no.13. There is no provision for this made in the Case Officer’s report.

9.8 “It is considered that the scale of the proposed development respects that of the existing and surrounding dwellings.”

This is factually incorrect as shown on the attachment ‘Overview of existing Extensions’. You will see that no other property on Cedar Road has as large an extension as this proposed development, meaning it would be without a doubt the largest scale property on that side of Cedar Road.

9.10 “In relation to light provision, the windows of the property at no.13 do not appear to serve habitable rooms (hallway) and it is not considered that the impact would be significant enough on these non-habitable rooms to warrant refusal.”

This is totally misleading. The window in the hallway and landing of no.13 is the original window developed from the 1930’s. Whilst it is true that the hallway/landing is not habitable, this is the heart of our home and not only permits light into the hallway/landing, but into every other room in our home. With existing light limited at the rear of the property from a large tree in the garden of no.15, this window is crucial to having some light in our home. **If the proposed development were to be granted, we would suffer a significant loss of light, not just into our hallway/landing, but into every other room of our home.**

Furthermore, I am unaware of any specific planning law which determines that loss of light into a hallway/landing is any less significant than a ‘habitable room’ when it comes to the loss of amenities to neighbours in regards to light and privacy.

9.14 “Berkhamsted Town Council has objected on the grounds of potential loss of amenity to the neighbouring property, however as the windows serve non-habitable rooms, the impact is not considered significant.”

As 9.10 above. We would consider the loss of light from our home as extremely significant!

10. “The proposed development through design, scale and finish will not adversely impact upon the visual amenity of the immediate street scene or the residential amenity of neighbouring occupants.”

This is misleading as it is opinion presented as fact. Whilst this is portrayed in the Case Officer’s report as fact, my view is that it absolutely would adversely impact the residential amenity of our property in terms of loss of light.

Furthermore, with regards to the adverse impact of the visual amenity of the street scene, as shown in the attachment ‘Overview of existing Extensions’, this development would set a new precedent in terms of the size, scale and mass of side extensions on this side of Cedar Road. If this proposal is granted, other neighbours would therefore be permitted to develop their properties in similar ways. Whilst the case officer states that the ‘terracing effect’ would only be visible from directly in front of the property, if we at no.13 were to complete a similar development with full open-gable up to the boundary and with only a minimal set-back, this row of six pairs of 1930’s semi-detached homes will very quickly become a single terrace of 12 homes!

As stated at the start of this email (and apologies for the length!), I believe the Case Officer’s report to be (in places) misleading and factually incorrect and would urge you to come and view the site for yourself in advance of the meeting on Thursday.

Additionally, for your information, I have attached a rough (apologies I’m no graphic designer!) overlay of the properties at nos. 13 and 15 together with the proposed elevations which clearly shows the overbearing size, bulk and mass of the proposed development.

I look forward to speaking with you on Thursday evening.

Sincerely,

Owner, 13 Cedar Road.





Overview of Existing Extensions, Cedar Road (East Side) HP4

House No.	Built Over Garage	Built to Boundary	Roof Style
3	100%	100%	Hip
5	0%	No	Hip
7	0%	No	Hip
9	50%	50%	50% Gable
11	100%	No	Hip
13	50%	50% (Built-in)	Hip
15 (Proposed)	80%	80%	Open Gable
17	75%	75%	Hip
19	50%	50%	Hip
21	0%	No	Hip
23	0%	No	Hip
25	25%	25%	N/A

Case Officer's Response:

Comments on paragraph 9.3:

In response to the 'Overview of existing Extensions' and the comment that there is no existing precedent for such a large scale development within the existing area, it is the case officer's view that other properties within the vicinity have carried out similar extensions, most notably at no. 17. This property has extended up to the boundary and has a set-back from the principle elevation of 1.85m (which is the same as the proposed set-back at no.15). The extension at no. 17 has a hipped roof, to match the parent dwelling. The proposed extension at no. 15 would have a gable-end roof, to match the parent dwelling. Visually, the proposed extension at no. 15 will not appear overly dominant when all of the other similar extensions are taken into consideration.

Comments on paragraph 9.6:

In relation to the comments on the terracing effect, the correct wording from the Committee Report is as follows, "First floor side extensions that extend up to the boundary

are normally discouraged, however taking into account the neighbour's extension at no. 13 that has extended up to the boundary, albeit with a further set back, it is not considered that the proposed extension would disrupt the common design characteristics found in this area."

As shown on the submitted plans and detailed in the Committee Report, the proposed first floor side extension would not build fully across the garage. It would be set-back from the principle elevation by 1.85m and set down from the main ridge by 0.7m, which would result in a subordinate addition. The perceived 'terracing effect' results from building up to the boundary at first floor level, which many other dwellings on this side of Cedar Road have already carried out. The mitigation is to set the first floor extension back from the principle elevation and down from the main ridge, which has been proposed at no. 15.

The proposed extension would not build fully over the garage, nor would this be considered to be acceptable in this case. Concerns were raised by the case officer that the proposed set-back was not sufficient and the plans were subsequently amended to include a greater set-back of 1.85m.

In relation to the comments on paragraph 9.6, no. 9 has built up to the boundary (see photo below – no. 9 is on the left). Furthermore, the first floor side extension at no. 9 comprises a gable-end roof, which is the same roof form as that proposed at no. 15.



No. 18 should read no. 19. (This is a typo within the report and I apologise for any confusion caused). Nos. 17 (on the left) and 19 (on the right) can be seen in the photo below. For reference, the set back from the principle elevation at no. 17 is 1.85m (the same as the proposed set back at no.15).

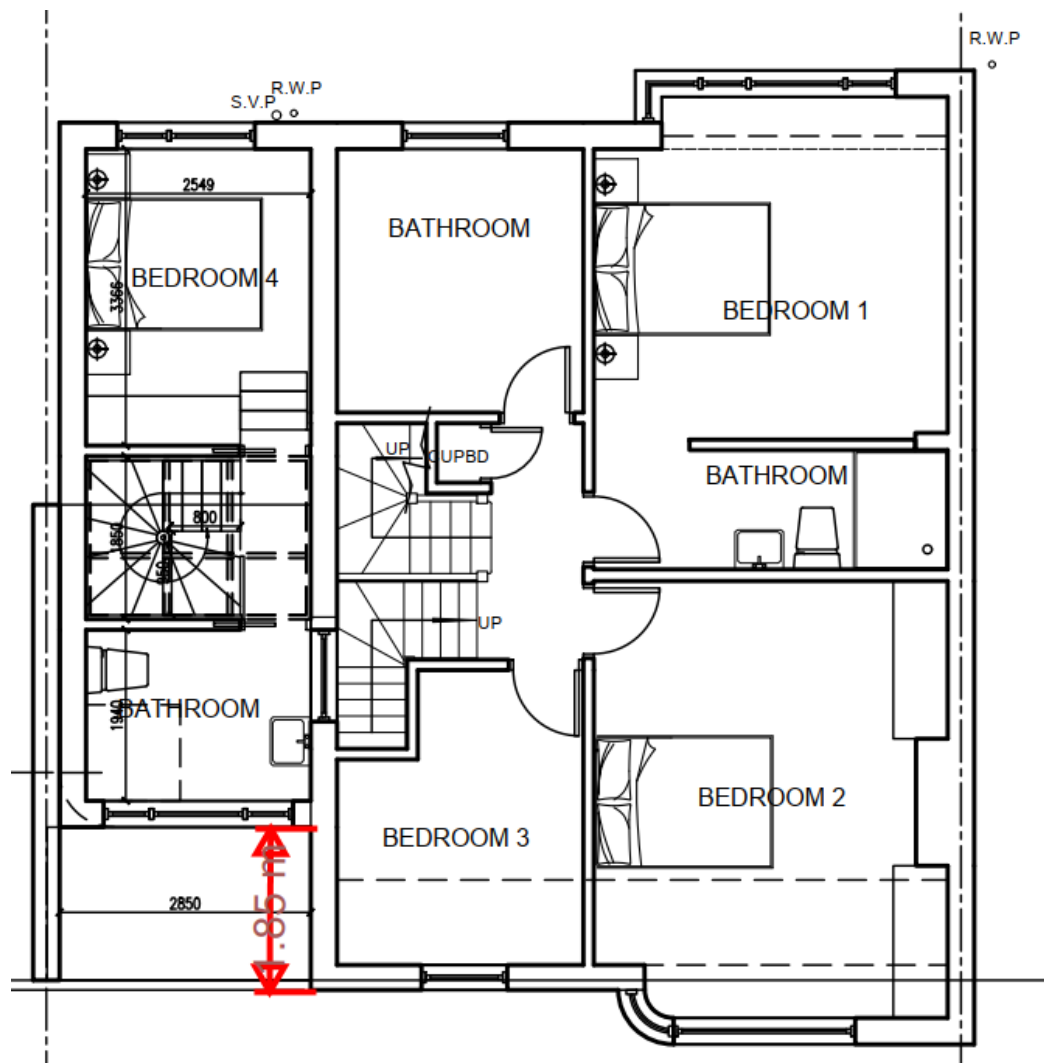


The submitted plans show that there would be a 1.85m set back at first floor level, as shown in the annotated plan below. In terms of the ‘terracing effect’, Saved Appendix 7 gives guidance on side extensions, stating that ‘a side extension should not block access to the rear of a property. A gap should be left between buildings and/or side boundaries (see Appendix 3, Layout and Design of Residential Areas, (iii) Spacing of Dwellings). In cases where an existing single storey side extension goes to the boundary, it will not normally be acceptable to build over its full area. Some extension at first floor level may be feasible. This should be designed to avoid the creation of a terraced or semi-detached character and to respect the above space standards.’

In terms of spacing of dwellings in general, Saved Appendix 3 of the Local Plan goes on to state that ‘there should be sufficient space around residential buildings to avoid a cramped layout and maintain residential character, to ensure privacy and to enable movement around the building for maintenance and other purposes’.

Further guidance is given in the Residential Character Appraisal for Character Area BCA2: Swing Gate, wherein the development principles for housing layout state that new development should follow the established layout and pattern of existing buildings. The building line should be followed. Spacing should respect that of surrounding and nearby development. And in terms of extensions to existing dwellings, these should normally be subordinate in terms of scale and height to the parent building. There are no special requirements in terms of detailing.

Saved Appendix 7 states that in cases where an existing single storey side extension goes to the boundary, it will not normally be acceptable to build over its full area. The proposed first floor side extension would not go over the full area of the existing garage, therefore complying with Saved Appendix 7.



Other properties in the immediate street scene have extended up to the boundary at first floor level and they comprise a variety of roof forms and set-backs from the principle elevation. It is not considered that there is any specific style of roof form to be followed.

Other properties in the area, including the neighbouring property at no. 13, have carried out hip-to-gable extensions. The parent property at no. 15 already has a gable-end roof so it is not considered reasonable or necessary to require a hipped roof to the proposed extension, particularly noting that there would not be a significant detrimental impact on light provision to the neighbouring property (see below). The proposed gable-end roof would match the existing gable-end roof, and would be set down from the main ridge by 0.7m, which would be subordinate in terms of scale and height to the parent building.

Comments on paragraph 9.7:

In relation to the comment that it would not be possible to complete this work without gaining access from the neighbour at no.13, this would be covered by a party wall agreement, or other civil arrangements to ensure the proper maintenance of properties, which are not material planning considerations.

Comments on paragraph 9.8:

Visually, the proposed extension at no. 15 will appear similar to other extensions within the vicinity, many of which have been extended. No. 3 Cedar Road has been fully extended over the garage, however comprises a hipped roof. No. 11 has been extended above the garage with no set-back from the principle elevation (but with a 0.5m set-back from the common boundary). It is considered that the proposed extension is appropriate for the street scene, which contains a wide variety of first floor side extensions with a variety of built form and roof forms.

Comments on paragraph 9.10:

In relation to light provision, the guidelines comprised within 'Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice' (2011) are intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens and bedrooms. The areas within dwellings without a special requirement for daylight include bathrooms, toilets, storerooms, stairwells, circulation areas and garages.

Comments on paragraph 10:

Many of the existing dwellings have already extended up to the boundary at first floor level. The proposed set-back from the principle elevation of 1.85m and the proposed set-down from the main ridge of 0.7m is considered to be acceptable and consistent with other similar extensions of this side of Cedar Road. Further developments along the street would need to be considered on their individual merits if and when they come forward as a planning application.

Correction to paragraph 9.6:

“Furthermore, other properties on Cedar Road have extended up to the boundary at first floor level, including nos. 9 and **18**.”

Should instead read:

“Furthermore, other properties on Cedar Road have extended up to the boundary at first floor level, including nos. 9 and **19**.”

Recommendation

As per the published report.

Item 5g

22/00991/FHA Two storey side/rear extension and single storey rear extension (amended scheme)

24 Finch Road, Berkhamsted, Hertfordshire, HP4 3LH

Additional Neighbour comments received;

26 Finch Road;

I am writing in full support of planning application ref: 22/00991/FHA | Two storey side/rear extension and single storey rear extension (amended scheme) | 24 Finch Road Berkhamsted Hertfordshire HP4 3LH

We have no concerns that the amendments would cause any harm or adverse affects to our property or any loss of visual amenity.

Recommendation

As per the published report.

Item 5h

22/01353/FHA Single storey side and rear extensions, and hip to gable roof extension with associated first floor alterations.

9 Parkfield, Markyate, Hertfordshire, AL3 8RB

Recommendation

As per the published report.

Item 5i

22/01856/LBC Advertising Board and hanging sign.

97 High Street, Hemel Hempstead, Hertfordshire, HP1 3AH

Recommendation

As per the published report.

AGENDA ITEM 5a - 21/03549/MFA

1A FROGMORE ROAD INDUSTRIAL ESTATE, FROGMORE ROAD, HEMEL HEMPSTEAD

Demolition of building and construction of new building of 28 residential units



The application was submitted on 15 September 2021 and followed a pre application submission which confirmed that the principle of residential development was supported and encouraged by the Development Plan.

The site is part of an allocated site for housing - this site is the remainder of the allocated site for housing with the Apsley Quay area of the site already developed.

The applicant has worked collaboratively with Dacorum Officers and third parties during this extensive time period.

The scheme seeks to provide a high-quality residential scheme in a highly sustainable location and makes efficient use of previously developed land.

The design and detailing of the building have been influenced by some of the good examples of traditional canal wharf architecture recently constructed in the immediate area, particularly the Magenta Court development, in Apsley, which was constructed by the Council and was awarded the prestigious National Building Excellence Awards 2021.

The building has been purposefully stepped in height in order to limit its impact on the neighbours including the Apsley Quay development which partly faces towards the application site. The scale of the higher part of the building within the scheme is similar to the Apsley Quay development but incorporates a pitched roof element fronting Durrants Hill Road as suggested by the Council's Planning and Conservation advisors.



Relationship to Adopted Planning Policy

The scheme has been recommended for approval by the Case Officer. The Officer considers the scheme is policy compliant and will positively contribute and improve the character and appearance of the area and the canalside environment. The key planning considerations relate to :-

- **Principle** – The principle of residential development is supported by adopted policy which redesignated the site from employment to residential use through the adopted Site Allocations Development Plan Document (2017). In addition, National policy explicitly supports the optimum use of previously developed land in sustainable locations and highlights the critical need for housing delivery.
- **Design** - Core Strategy Policies CS11 and CS12 state that development within settlements should respect the typical density in the area and integrate with the streetscape character. It is considered and accepted by the Case Officer and Conservation Officer that the design is of high architectural quality and will be a significant visual improvement to the existing commercial building on the site which detracts from the character of the area.
- **Amenity** - Core Strategy Policy CS12 aims to preserve neighbouring amenity. The proposal has been designed by way of separation, stepping, juxtaposition, detailing and form to limit and mitigate the impacts of the development on surrounding properties in terms of privacy, light and outlook. As recognised by the case officer the impacts of the development are considered acceptable, particularly bearing in mind the Government's flexible approach to these matters referred to in the NPPF and recognising the Council cannot currently demonstrate a 5 year housing supply. In such circumstances, the tilted balance in favour of sustainable development is triggered, and further weighs in favour of granting the proposal.
- **Parking**- Parking is provided to recently adopted standards and is provided in an undercroft to the building. This approach makes best use of the development site whilst also reducing the visual impact of the parking area. The Highway Authority and planning officer have raised no objections to the access or parking provision.
- **Flooding** – The site has been identified as suitable for housing within the adopted Site allocations. The application is supported by a Flood Risk Assessment. Although concerns were originally raised by the Environment Agency regarding flood compensation additional details were provided resulting in the EA removing their objections subject to the imposition of appropriate conditions.
- **Housing Mix** – The mix of 1 and 2 bedroom is considered appropriate for the site and will meet the identified need for smaller units in the Borough. The case officer and Strategic planning team consider the mix is appropriate in this case.
- **Affordable Housing** – Although it is not viable to provide on-site affordable housing the scheme will financially contribute towards offsite affordable housing provision.
- **Heritage Impacts** – The site does not fall within a Conservation Area. The nearest Listed building, Frogmore Paper Mill is sited approximately 70 m to the south of the application site. Bearing in mind the separation between the sites and the intervening car parks, buildings and mature landscaping the setting and significance of the designated heritage asset is not affected. The Planning and Conservation officers have not raised any objections to the proposal on Heritage grounds.

For the reasons laid down by the planning officer and summarised above it is requested that members support this application and allow the redevelopment of this brownfield site which is in line with the #ThinkHemel vision recently launched. The proposal will not only deliver much needed high quality/ high density development in a sustainable location but also assist in reducing the pressures for future green belt development.