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DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 11 JUNE 2020 AT 6.30 PM
MICROSOFT TEAMS**

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 Oguchi
Councillor C Wyatt-Lowe (Vice-Chairman)	Councillor Riddick
Councillor Beauchamp	Councillor R Sutton
Councillor Durrant	Councillor Symington
Councillor Hobson	Councillor Uttley
Councillor Maddern	Councillor Woolner
Councillor McDowell	

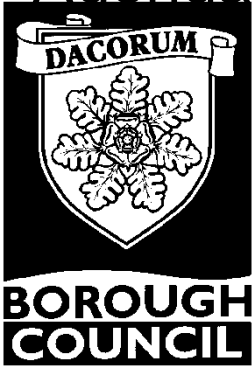
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For further information, please contact Corporate and Democratic Support on 01442 228209.

AGENDA

7. ADDENDUM (Pages 2 - 15)

Agenda Item 7



DEVELOPMENT MANAGEMENT COMMITTEE
Thursday 11th June 2020 at 6.30 PM

ADDENDUM SHEET

Item 5a

20/00212/FUL Demolition of Garages, Two-Storey Extension and Alterations to Existing Medical Centre, and all Associated Works.

Doctor's Surgery, Parkwood Drive, Hemel Hempstead, HP1 2LD

Condition 11 to be amended from:

The window(s) at first floor level in the northern elevation of the extension hereby permitted shall be non-opening below 1.7 metres from finished floor level and permanently fitted with obscured glass (minimum of level 3 on the Pilkington Scale).

To:

The window(s) at **ground and** first floor level in the northern elevation of the extension hereby permitted shall be non-opening below 1.7 metres from finished floor level and permanently fitted with obscured glass (minimum of level 3 on the Pilkington Scale).

Recommendation

As per the published report.

Item 5b

19/03134/FUL Demolition of existing bungalow to be replaced by the erection of a terraced row of four residential dwellings, to include all associated works.

96 Longfield Road, Tring, HP23 4DE

NO FURTHER ITEMS

Recommendation

As per the published report.

Item 5c

20/00150/FUL Proposed 20m mast and associated cabinets at Corner of Shenley Road and Elstree Road to replace existing 14.70m Mast and cabinets on Shenley Road

Land adj. 1 Elstree Road, Hemel Hempstead, HP2 7NE

Late objection received from no. 1 Elstree Road and residents:

Summary of Report

The following document reports on our main objections to the planning report and then looks at the issues in more detail where more explanation is required to make our point. The report begins with our summary of principle objections. We have attached photographs in appendix 1 to support our objections.

Summary of principle objections

We maintain that the planning application for the new mast should be denied for the following reasons.

- There has been inadequate consultation and other sites have not been looked at during the process and only now in June have alternative sites retrospectively been shown. We consider some of these alternatives would be better and more appropriate to meet the NPPF guidelines (assuming that we accept that the new mast must be within 100m radius of the first mast). We note that the pre-consultation documents issued 14-11-2019 sowed the mast in the same position as the existing one.

- The applicant has not considered noise pollution in their submission which will be excessive in a quiet residential estate. This was requested on several occasions but ignored in both the applicant's submissions. Although a condition has been placed in the planning document to review noise and provide mitigation measures this will be retrospective after installation. This is not following guidelines and a full noise report containing a mitigation plan should be provided before planning permission is considered. The requirements should be clear and carried out to an industry standard using BS4142 which can be audited externally. For Noise levels not to be nuisance it is industry standard to be -5dBa less than the background noise at openable windows and gardens. Our noise study anticipates noise levels at openable windows (at 1 Elstree road and across Shenley road) and garden to be elevated by 20-25dBa above guidelines which is unacceptable (this is based on my experience of noise calculations as a chartered building services engineer).
The existing installation is clearly audible and it is 50m away and that has much lower noise emissions.
- The development will have a significant visual impact since it is on an exposed small corner plot of land at the highest topography on the estate, and will be seen directly by at least 30 houses and flats, and the mast seen by many more. The installation will be a surprise to many residents since they were never consulted with the proposals (eg there were no drawings produced in the planning submittal showing the size of the mast and the associated equipment panels, just a site area marked on a largescale plan layout).
- We consider that the noise pollution and visual impact of the development by being so close to 1 Elstree Road and other residents 20-30m away is a denial of our human rights to a quiet environment and to be not overshadowed by a 20m high mast located 5.0m from a house with its associated 8 large equipment panels.
- The report has stated that there will be TV interference, if this is true that would be unacceptable.

Objections to the Planning report

- 1) Clause 5C. The report drawing only shows an elevation of the mast and equipment panels and does not show a section showing the mast 5.0m away from the side of 1 Elstree Road, which has a side first floor window. The window will be the closest to a mast in Hemel Hempstead and the first time a mast is located next to an openable window. We object on the grounds the mast is too close and fronts a window, that although has mottled glass, has a clear view looking out.
- 2) Clauses 2.1.1, 9.2.1, 9.2.3, 9.2.4. We object that the applicant has demonstrated that there are no alternative sites. The new drawing issued in June clearly shows a retrospective review and therefore biased towards the

current application. This drawing is showing a 50m radius around the existing mast and not a 100m radius that the applicant states is applicable. We can see other sites particularly on the corner of Perry Green where it can be located with only one small tree relocated. It would be c10m from the side of a house and will have much less visual impact residentially.

The pre consultation document issued on 14-11-2019 clearly shows the new mast adjacent the existing mast where national guidelines state it should be. We cannot understand why this position cannot be reused now that it is confirmed that the existing installation is required to be removed afterwards. For a short period, there would be congestion. The new position therefore was not appropriately consulted.

- 3) Clauses 2.1.2, 9.3.4. We object that the proposed position has acceptable visual impact. Its location will be much more obtrusive and on view to many more houses. It is on a bend and the highest point of the estate and will be seen by everyone with at least 30 houses and flats having a clear view. The trees only offer some concealment whilst they are in leaf. There are 8 equipment panels that stretch beyond the gable wall covering a 10m width.
- 4) Clause 2.1.3. This will have impact on the local amenity by polluting the quiet residential area with the high noise of 5G equipment.
- 5) Clause 9.2.1. Although a self-certifying certificate for radiation is provided. This is based on 1999 ICNIRP guidelines. It does not cover 24-7 exposure and so no specific risk assessment is produced for nearby houses or workman working on roofs.
- 6) Clause 9.2.5. We object that there are no other sites. This has not been demonstrated satisfactorily and has not been consulted during the planning period. The applicant appears to have taken the view that they would install in the current position that suits them best since approval appears to be automatically given (we cannot see any rejections locally to other proposals in the town). The review drawing of other sites is retrospective and so not applicable to the submission. There are clearly other sites closer to the original installation that place the mast much further away from the nearest house. Should there not be a review of mast positions in the whole estate so that future mast generations are future proofed, namely the commercial area around Sainsburys?
- 7) Clause 9.3.1. We object that the proposal preserves the attractive streetscapes since clearly it will not. (Refer to attached photos where it can be seen how exposed it will be). Being on a corner with open views of 270deg it will dominate the streetscape.
- 8) Clause 9.3.3 We object to this clause the flat topography only exists to the east of Shenley Road otherwise the land falls away exposing the mast to be viewed by much of the estate. When the trees shed their leaves there is no screening since this is on an exposed corner.
- 9) Clause 9.3.4., 9.2. We object to this clause. There are 8 panels much taller than the existing 3 panels that occupy a 10m width instead of 4.0m and half the height. (Refer to the photos of the existing and proposed site and the real

- size of the installation as installed in Grovehill). Painting them green will not meet the NPPF policy for sympathetically designed and camouflaged.
- 10) Clause 9.3.5. If the existing panels are to be removed why can't the new installation be placed alongside them as per the applicant's original pre-consultation drawings and government guidelines? We do not agree that this has been adequately explored. There is another site on the opposite corner of Perry Green where the removal of one tree offers a better location that is further away from houses and windows on both sides of the road.
 - 11) Clauses 9.4.1 to 9.4.3. We object that planning will be granted before a noise mitigation scheme is submitted. We object to the clause "if required" that has been added. Clearly the 5G panels will pollute many houses with their noise, not just 1 Elstree road. The acoustic report to be submitted must include measured day and night time noise values with measured noise ratings from equipment at high ambient temperatures (I suggest 30degC). I have experience of this in my career as a Chartered Building Services Engineer, so I am aware that this is onerous and cannot be achieved with just acoustic lining and louvres as suggested. These equipment panels are not designed to be within a quiet residential area. So there is no confusion, the accepted industry standard to use for reporting noise is BS4142. It should be made clear that acceptable noise should be reduced to -5dBa less than the background noise levels at openable windows and daytime gardens. I have carried out my own analysis which is elsewhere in this document to highlight the noise gap that exists which is anticipated to be 20-25dBa.
 - 12) Clause 9.4.5 Overshadowing. We object to this clause. The southern sun will cast shadows over properties 2,4,6 Elstree Road (the trees have no leaves in winter) and many more. The first-floor window on 1 Elstree road is mottled glass offering a good view externally so the mast and equipment panels will be clearly seen. In any event this window could be replaced with clear glass (as my human right to do so) so the type of window glass should be irrelevant!
 - 13) Clause 9.5. to 9.5.3 Impact on Highway. We disagree that there is no increased risk of an accident. Elstree road has a busy traffic of people and cars as it serves many houses as well as being a short cut to Grovehill. There is a busy pedestrian crossing on Shenley Road outside 1 Elstree Road particularly during the school run. The visibility for vehicles turning left into Elstree road is reduced and the development would cause further distraction to motorists on a semi blind bend. There is a history of accidents on this corner.
 - 14) Clause 9.6.1- We object to this clause since it states "Authorative evidence has been produced to suggest that 5G masts **result in interference to television signals**". This is unacceptable and would require mitigation.
 - 15) Clauses 10.1 to 10.1.4 Conclusions. We object to the report conclusions as stated above and below.
 - a) Consultations have not been carried out with organisations correctly since the new mast was only shown in the same position as the existing one.
 - b) Consultations were carried out with only 3 neighbours (we requested if other neighbours were contacted but we never received a reply). The

most affected house, 1 Elstree Road, **never** received a consultation letter. Surely this can't be the correct consultation procedure? The planning proposal was only strapped to a nearby lamppost approximately 3 weeks after the first submission and our complaint. This is not in line with NPPF guidelines.

- c) The drawing that shows a review of other locations by the applicant has only just been issued and it is apparent has been carried out subsequent to the two submissions and therefore is biased and should not be accepted. There are other sites near the existing one which are better and not so close to a house (10m not 5.0m) with not so many houses in line of site of the installation (ie the corner of Perry Green). We also consider the existing site is viable now that it known that the existing equipment is required to be removed within 3 months.
- d) 1999 ICNIRP guidelines are stated to be complied with but these are unintelligible. Risk assessments are not carried out as requested covering the 24-7 exposure to residents and where closeness is an increased risk factor. No answer is given to the residents question " is it safe to work on a roof 5.0m away from the transmitters"?
- e) The mast will cast shadows over nearby properties. There is a good view externally from the side window of 1 Elstree road which could be changed to clear glass in the future. So, the fact it is currently mottled is irrelevant. The trees are at least 20m from the mast and in winter will not hide the view of the mast. Properties to the east of Shenley road (beginning at 20m) are closer and will have a clear view of the installation at all times (they have not been consulted). The installation will have a huge visual impact on the estate since it is on an exposed corner and will be the highest object on the estate.
- f) This proposed mast would become the closest to a house (5.0m) with or without a window, in the whole of Hemel Hempstead. There are only two other examples of this; one being the existing mast (7.5m away with no side window) and one in Warners End (10m away no window, facing a field). It is apparent that should planning be granted this would set a precedent and leave difficult choices now in other parts of Hemel, and in the future, when this mast is replaced with a taller and noisier mast. Isn't the real issue that this mast should be located in the commercial areas of the estate like other ones in Hemel Hempstead.
- g) Noise has not been addressed by the planner in this section but at the very least it should have clear guidelines as we have stated (BS4142 should be stipulated) and should be an inherent part of any submittal with approval not given without it.

Further Detailed Comments supporting our objections

- 1) **Visual Impact and alternative sites-** The proposed new site is on a prominent corner with no tree cover. The mast in combination with the 8 cabinets would create a level of visual clutter to the proposed small area with

no screening available to reduce this harm. The development will be seen by many houses and flats.

It is interesting that the site selection information just issued a few days ago states that the presence of trees is unsuitable, however the existing mast has a tree either side. The notes also state that other areas are not suitable due to size requirements, although the size required is not actually stated meaning that this cannot have been scrutinised by the council or residents. One reviewed location limitation is stated to be due to underground services however we have looked at this and there appears to be plenty of room between the underground comms ducts since the area of land is large. Some of the other areas nearby appear to be just as large as the proposed site e.g. the verge to the south of Perry Green where the mast can be located much further away from the house c10m and the house across the road is further away and does not have a window. The existing trees are small and could be reconfigured if necessary. This site is next to a bus stop and a small sub station so is already an amenity area.

- 2) **Noise** - Item 3 in the planning conditions states that equipment cannot be operated until a noise management plan, including a scheme of noise mitigation is approved by the environmental officer. So, there is no ambiguity we would expect that the appropriate BS for reporting and measurement is used, namely BS4142, and if agreed this should be stated. The noise condition clause is stating it will be approved by the local authority we consider that this is such an important issue that MBNL should submit a new planning submission that now includes the acoustic report which can be scrutinised by all the affected residents and analysed by an independent acoustic consultant. The reason for this is that the worst noise occurs on hot still days when the equipment is noisiest and when residents will have their windows open and it should not be left to the applicant to use their own interpretations and biased equipment data since retrospective acoustic treatment would be difficult to apply.

This is an essential stipulation and if carried out properly and, in my experience, (I am a chartered building services consultant) would entail significant attenuation. Should this proposal remain recommended we maintain it should be resubmitted for planning approval allowing the data and visual impact to be studied by an external acoustic consultant as well as the environmental officer. We have measured night time noise at 30dBa and daytime noise at 40-45dBa. The equipment noise measured at other sites is 70dBa from each noisy panel which has a monotonal output that would add +5dBa, so the residual noise at windows for many properties will significantly exceed the background noise by some 20-25dBa (ie it will be clearly audible). To comply with this, it is anticipated that substantial acoustic boxes would be required.

We the note that current installation is 50m away and can be clearly heard in 1 Elstree Road garden during the day, as well as hot evening when are windows are open.

- 3) **Planning guidelines** – Our issue here is that there appears to be no clear guidelines on what is such an important issue. There is no guideline for night time noise protection in a residential area. There is no guideline to how close to a house a mast is permitted and how this would vary with an openable window. There is no consultation to determine the best location that suits the area. It seems that once a mast has been installed new ones have to be installed within the providers self-imposed 100m radius. This would mean that all future masts, whatever height and noise, would be installed in the same area this cannot be a reason for their approval and is not sustainable. They should not be allowed in the middle of a residential area when it can be avoided.
- 4) **Consultations** -The pre application consultation that was issued on 14-11-2019 showed the mast staying in the current location which is why the original wording stated replacement. It is stated that 7 people were consulted. We could only find 3 residents that were consulted that did not include the most affected resident namely, 1 Elstree Road. We requested who was consulted from the planning dept but never received an answer. The original application was deficient in information and a completely new application was submitted on 05-2020 under the umbrella of providing additional documents. This could not be scrutinised by residents since it was outside the date where comments could be made. The resubmission still did not cover many raised items eg Noise, review of alternate sites (only issued in June and was produced after the submission)
- 5) **Location** - The proposal will be the closest to any residential property in Dacorum, just 5.0m away. Most masts are installed in commercial shopping areas with the exceptions being the existing 4G mast on Perry Green, Shenley road which is 7.5 away from the side of a house (with no window) and one in Warner's End that is c10m away from the side of house (again with no window). We maintain that the new mast should be installed in open areas or the Sainsburys commercial area. Since this is a new mast surely it should not be restricted to their 100m radius rule but instead be located in a sustainable site that can accommodate future expansion without unnecessary impact on residents.
- 6) **Lightning Protection**- It is a legal requirement that the mast provider produces a risk assessment for the installation with the mitigation measures taken, and must be signed by the designer. This is not provided. This would not be an issue if a mast was not near a house or so tall. There is a very real risk the mast will be struck by lightning with the EMP causing damage in the house since it is so close.
- 7) **Health and Safety** -The HSE did not make any comments. However, we have raised, and there is much scientific concern, that that the radiation levels, which will be 24-7 to retired residents and families could be harmful. The roll out program has been stopped in some countries until a study of the long term effect of exposure has been properly studied. We have asked for confirmation that the proposed mast is safe to residents or people working on the roof but MBNL refer only to a certificate of conformity to ICNIRP public exposure guidelines dated 12-07-1999 (1999/519/EDC). This document is old

and impossible to follow since it is complex and not contained within one PDF. It does not demonstrate by calculations compliance in its applications. When ICNIRP is googled there are considerable new documents and we are unclear why they are not complying with the latest 2020 guidelines. This does not inspire confidence that the government has the 5G compliances under control and is letting the tail wag the dog. There does not appear to be any accountability.

- 8) **Futureproofing** - We have always maintained that the masts should be located in the commercial areas of the estate like elsewhere in Hemel Hempstead. The only reason that the existing mast is proposed in its current location is because in 2014 it was given planning permission. We were not consulted on its location then so it was a surprise when it appeared. Now the provider states that any new mast is required to be within a 100m radius of the existing mast. We are sure that this information was not a condition of the original application. This would mean that all future masts however tall and noisy would remain in this location. To accept this position would set a precedent for any future proposed mast in in the area. There must be a constraint to a have a minimum distance for a mast from a house and this should not be 5.0m. The site line from the edge of the house is 77deg so would appear almost vertical.

Appendix 2 Photos



View of side Elstree Rd



View from side of 1 Elstree Rd



View of Perry Green Existing Mast Mast side view



View of Perry Green Existing Mast



Alternative site on corner of Perry Green



View from opposite Perry Green- note house has no side window & further away.



Alternative site near Denham Close
Equipment Panels



View of new Grovehill 5G
Equipment Panels



View of the new Grovehill 5G Mast
Equipment Panels



View of new Grovehill 5G
Equipment Panels

Recommendation

As per the published report.

Item 5d

20/00273/FUL Removal of double-decker bus and archery area and placement of two field shelters and one shipping container on camping and leisure land.

10 Brownlow Farm Barns, Pouchen End Lane, Hemel Hempstead, HP1 2SN

Additional text and condition added to the report.

4.1 This application seeks planning permission for the placement of two field shelters and one shipping container to support the outdoor recreation use (camping and leisure). The proposals also involve the removal of a double-decker bus and the existing archery area. **It should be noted that the bus is not currently on the application site. The Applicant has confirmed that the bus is currently being repaired/repainted and it is his intention to reinstate the bus following these works.**

9.18 Notwithstanding the above, this harm is tempered by the relatively modest height of the proposals and the removal of the double-decker bus, which is considered to have a more prominent visual impact. **If this application is approved, it is felt appropriate to include a condition relating to the permanent removal of the bus. The Applicant has agreed to the inclusion of this condition.** The proposals are considered to result in moderate harm to the character of this rural site. The proposed structures are also considered to have a limited impact on the non-designated heritage assets (converted barns) due to the considerable distance between them.

Additional Condition:

Prior to the first use of any structures hereby permitted the double-decker bus as shown on the existing site plan (reference: 0854/01, March 2020) shall be permanently removed from site.

Reason: In the interest of the openness, character and appearance of the Green Belt in accordance with Policies CS1 and CS5 of the Dacorum Core Strategy (2013)

Recommendation

As per the published report.

Item 5e

20/00419/FUL Demolition of existing bungalow, retention of existing shed and construction of new dwelling and garage

Two Bays, Long Lane, Bovington, HP3 0NE

NO FURTHER ITEMS

Recommendation

As per the published report.

Item 5f

20/00460/FHA Two storey side extension, single storey rear extension and rear balcony

Cloverleaf, Chapel Croft, Chipperfield, WD4 9DR

NO FURTHER ITEMS

Recommendation

As per the published report.

Item 5g

20/00566/RET Retention of timber enclosure/fencing.

33 Bulbourne Court, Tring, HP23 4TP

Comments from 31 Bulbourne Court

I apologise that I am unable to be party to this meeting. Covid Lockdown and present serious health issues make it impossible for me to attend. The present Lockdown status has made it difficult to consult with many neighbours.

I would like the following to be taken into consideration.

Short History

I have lived in Bulbourne Court since 2019 and very much enjoyed the community and neighbourlyness. In the summer of 2019, the applicant who had been with us for two years, told me I could not erect a trellis for my twelve year old clematis as she deemed it on her land. I took advice from neighbours and builders and laid a border of cobbles to show where I believed my land to be. This displeased her and after

much discussion I told her she could remove them. This was done and we agreed that the front gardens looked better 'Open Plan' and would remain so. We also agreed that at a future date we would employ a surveyor to demarcate the border.

Sadly four months later I was shocked to see the fence erected by the applicant and her father.

I had been under the impression that we had a covenant keeping this as Open Plan but apparently 'restrictive covenants fall outside of the planning process'??

On 1st April Tring Parish Council recommended refusal of this application. In their view 'the erected fence is completely in the out of keeping with the clear frontage along the terrace. The merit of such clear lines is reflected by the fact that when developed the terrace was made subject of a covenant prohibiting enclosure"

The Chiltern Conservation Board did not want to comment on this planning application but their Management Plan states : Any development should be rejected unless it is appropriate to its location; it enhances the natural beauty (of this AONB).

Furthermore they state that Development should only be supported if it is of the highest standard and design! The enclosure is of rough untreated wood and serves no purpose.

Dacorum is unable to refuse the scheme on grounds: The positioning of no.33 ; the scale and height of the fencing and existing fencing in the area.

Existing fencing

The picket fence at No 21 (2015) was built and we agreed to it remaining. The owner was a professional dog sitter and it seemed sensible to have her dogs contained and so there was a reason for this fence to be in place.

The fence between No33 and the field was erected by a former owner without any planning or permission. The owner of the field is aware of this . It cannot have any involvement in the current issue but it was widely thought that a survey done by the new purchaser of no 33 would see this amended. Sadly this was not done.

The scale and height of the fence

Whilst this not high it is extremely out of place in a landscape of rural gardens. If we set a precedent for fencing at numbers 21 and 33 then the gardens of the whole cul de sac could be fenced taking away the natural beauty of this area.

The position of No 33

That the house is at the end of our terrace means that the former view of open fields is obstructed by this crude and unacceptable fence. It is extremely visible but does nothing to enhance our gardens..

Thank you for your consideration

Recommendation

As per the published report.

Item 5h

20/00524/FHA Ground floor rear and side infill extension, floor plan redesign and all associated works.

7 Queens Road, Berkhamsted, HP4 3HU

NO FURTHER ITEMS

Recommendation

As per the published report.
