



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

TUESDAY 17 DECEMBER 2019 AT 7.00 PM
DBC 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 McDowell
Councillor Maddern	Councillor Uttley
Councillor Riddick	Councillor Woolner
Councillor C Wyatt-Lowe (Vice-Chairman)	Councillor Symington
Councillor Beauchamp	Councillor Hobson
Councillor Durrant	Councillor R Sutton
Councillor Oguchi	

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

AGENDA

1. MINUTES

To confirm the minutes of the previous meeting (these are circulated separately)

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

It is requested that Members declare their interest at the beginning of the relevant agenda item and it will be noted by the Committee Clerk for inclusion in the minutes.

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation.

Time per speaker	Total Time Available	How to let us know	When we need to know by
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	5pm the day before the meeting.

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228209 or by email: Member.support@dacorum.gov.uk

The Development Management Committee will finish at 10.30pm and any unheard applications will be deferred to the next meeting.

There are limits on how much of each meeting can be taken up with people having their say and how long each person can speak for. The permitted times are specified in the table above and are allocated for each of the following on a 'first come, first served basis':

- Town/Parish Council and Neighbourhood Associations;
- Objectors to an application;
- Supporters of the application.

Every person must, when invited to do so, address their statement or question to the Chairman of the Committee.

Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.

The questioner may not ask the same or a similar question within a six month period except for the following circumstances:

- (a) deferred planning applications which have foregone a significant or material change since originally being considered
- (b) resubmitted planning applications which have foregone a significant or material change
- (c) any issues which are resubmitted to Committee in view of further facts or information to be considered.

At a meeting of the Development Management Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

Please note: If an application is recommended for approval, only objectors can invoke public speaking and then supporters will have the right to reply. Applicants can only invoke speaking rights where the application recommended for refusal.

5. INDEX TO PLANNING APPLICATIONS

- (a) 19/02543/FHA - Rear ground floor single storey extension with internal modifications, dormer roof extension with new internal staircase. - 40 Elizabeth II Avenue Berkhamsted Hertfordshire HP4 3BF (Pages 5 - 10)
- (b) 4/02033/19/FUL - Conversion of existing dwelling into two dwellings & development of two 3 bed dwellings - 39A Adeyfield Road Hemel Hempstead HP2 5DP (Pages 11 - 28)
- (c) 4/02277/19/FUL - Install 13 parking bays on amenity land - Amenity Green Opp. 7 Elm Green Hemel Hempstead HP1 3PX (Pages 29 - 37)
- (d) 4/02266/19/FHA - Retention of existing shed in Garden. - 65 St Johns Road Hemel Hempstead HP1 1QQ (Pages 38 - 44)
- (e) 4/02267/19/LBC - Retention of existing shed in Garden. - 65 St Johns Road Hemel Hempstead HP1 1QQ (Pages 45 - 49)
- (f) 4/00718/19/FUL - Change of use from agricultural land to dog walking paddock with associated car parking and new vehicle crossover. - Land South The Brambles, Flaunden Lane, Bovingdon (Pages 50 - 140)

6. APPEALS (Pages 141 - 157)

Item 5a

19/02543/FHA - SINGLE STOREY REAR EXTENSION, INTERNAL ALTERATIONS AND REAR DORMER WINDOW.

40 ELIZABETH II AVENUE, BERKHAMSTED



Item 5a

19/02543/FHA- SINGLE STOREY REAR EXTENSION, INTERNAL ALTERATIONS AND REAR DORMER WINDOW.

40 ELIZABETH II AVENUE, BERKHAMSTED



ITEM NUMBER: 5a

19/02543/FHA	Rear ground floor single storey extension with internal modifications, dormer roof extension with new internal staircase.	
Site Address:	40 Elizabeth II Avenue Berkhamsted Hertfordshire HP4 3BF	
Applicant/Agent:	Mr Wilson	
Case Officer:	Robert Freeman	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West

1. RECOMMENDATION

1.1 That planning permission be GRANTED.

2. SUMMARY

2.1 The proposed extensions are not considered to result in significant harm to either the appearance of the dwelling or the amenities of neighbouring properties in accordance with Policies CS11 and CS12 of the Core Strategy.

3. SITE DESCRIPTION

3.1 The site comprises one of a number of properties constructed in Phase 1 of the development of the Bearroc Park estate, Berkhamsted. The property is located off the eastern distributor road between Charlotte Close and Gilphins Close.

3.2 The site comprises a modern 4 bedroom detached dwelling with an integral garage.

4. PROPOSAL

4.1 The proposals involve the construction of a single storey rear extension, a play room above the existing garage and a rear dormer window. This dormer window will facilitate the provision of an additional bedroom and bathroom at roof level.

5. PLANNING HISTORY

Planning Applications

4/01886/19/FHA - Rear ground floor single storey extension. Conversion of garage to habitable accommodation & storage, & roof extension with new internal Staircase.

WDN - 5th September 2019

Appeals

6. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy - Policy NP1: Supporting Development
Core Strategy - Policy CS1: Distribution of Development
Core Strategy - Policy CS4: The Towns and Large Villages
Core Strategy - Policy CS8: Sustainable Transport
Core Strategy - Policy CS11: Quality of Neighbourhood Design
Core Strategy - Policy CS12: Quality of Site Design
Local Plan - Saved Policy 51: Development and Transport Impacts
Local Plan - Saved Policy 54: Highway Design
Local Plan - Saved Policy 58: Private Parking Provision
Local Plan - Saved Appendix 5: Parking Provision
Local Plan - Saved Appendix 7: Small-Scale House Extensions

7. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Special Control for Advertisements: Advert Spec Contr
CIL Zone: CIL1
Former Land Use (Risk Zone): Infilled Pond, Durrants Lane, Berkhamsted
Parish: Berkhamsted CP
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
RAF Halton and Chenies Zone: Red (10.7m)
EA Source Protection Zone: 3
Town: Berkhamsted

8. REPRESENTATIONS

Consultation responses

8.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

9. CONSIDERATIONS

Principle of Development

9.1 The site is located within the urban area of Berkhamsted where in accordance with Policies NP1, CS1 and CS4 of the Core Strategy there would be no objection in principle to the extension of existing residential units.

9.2 Despite being a relatively new residential unit, the application site benefits from Permitted Development Rights under the Town and Country Planning (General Permitted Development) Order 1995 (As amended). The legislation allows for the provision of rear extensions and the conversion of loft spaces without the need for planning permission in certain circumstances.

Quality of Design

9.3 The proposed extensions to the dwelling are considered to be appropriate in terms of their design, bulk, scale, height and use of materials. Indeed the physical extent of works is similar to that which could be constructed without the need for planning permission as noted on the submitted plans. The contemporary finish to the rear dormer window is not considered to be unduly harmful to the character and appearance of the property.

9.4 Accordingly it is considered that the proposals would be in accordance with Policies CS11 and CS12 of the Core Strategy.

Impact on Residential Amenity

9.5 The proposals are not considered to result in any additional issues with overlooking of neighbouring units. There is already some overlooking of the rear garden at Charlotte Close which would not be exacerbated by this proposal nor constitute grounds for the refusal of this application under Policy CS12 of the Core Strategy and Saved Appendix 7 of the Local Plan.

Impact on Highway Safety and Parking

9.6 The provision of an additional bedroom within the loft space of the property will not significantly intensify the use of the premises or increase demand for off-street parking provision as set out in Saved Appendix 5 of the Local Plan. Accordingly there would be no grounds for objection under Policies CS8 or CS12 of the Core Strategy nor Saved Appendix 5 of the Local Plan .

10. RECOMMENDATION

10. That planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be provided in accordance with those specified on drawings:

TWS-1904-00-30 Revision 01
TWS-1904-00-31 Revision 01

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

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

TWS-1904-00-30 Revision 01 and TWS-1904-00-31 Revision 01

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments

Local Parish	The Committee considered the proposed scheme is an overdevelopment which would set an unfortunate precedent in a currently uniform street scene. The proposed addition of a bedroom raised concerns over adequacy of parking provision in a road already experiencing congestion. It was also unclear whether the rear dormer fenestration would result in overlooking to the properties on Charlotte Close. CS12.'
Contaminated Land (DBC)	Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
6	0	0	0	0

Neighbour Responses

Object (O), Support (S), Representation (R)	Comments

Item 5b

4/02033/19/FUL – CONVERSION OF EXISTING DWELLING INTO TWO UNITS AND CONSTRUCTION OF 2 X 3 BEDROOM DWELLINGS.

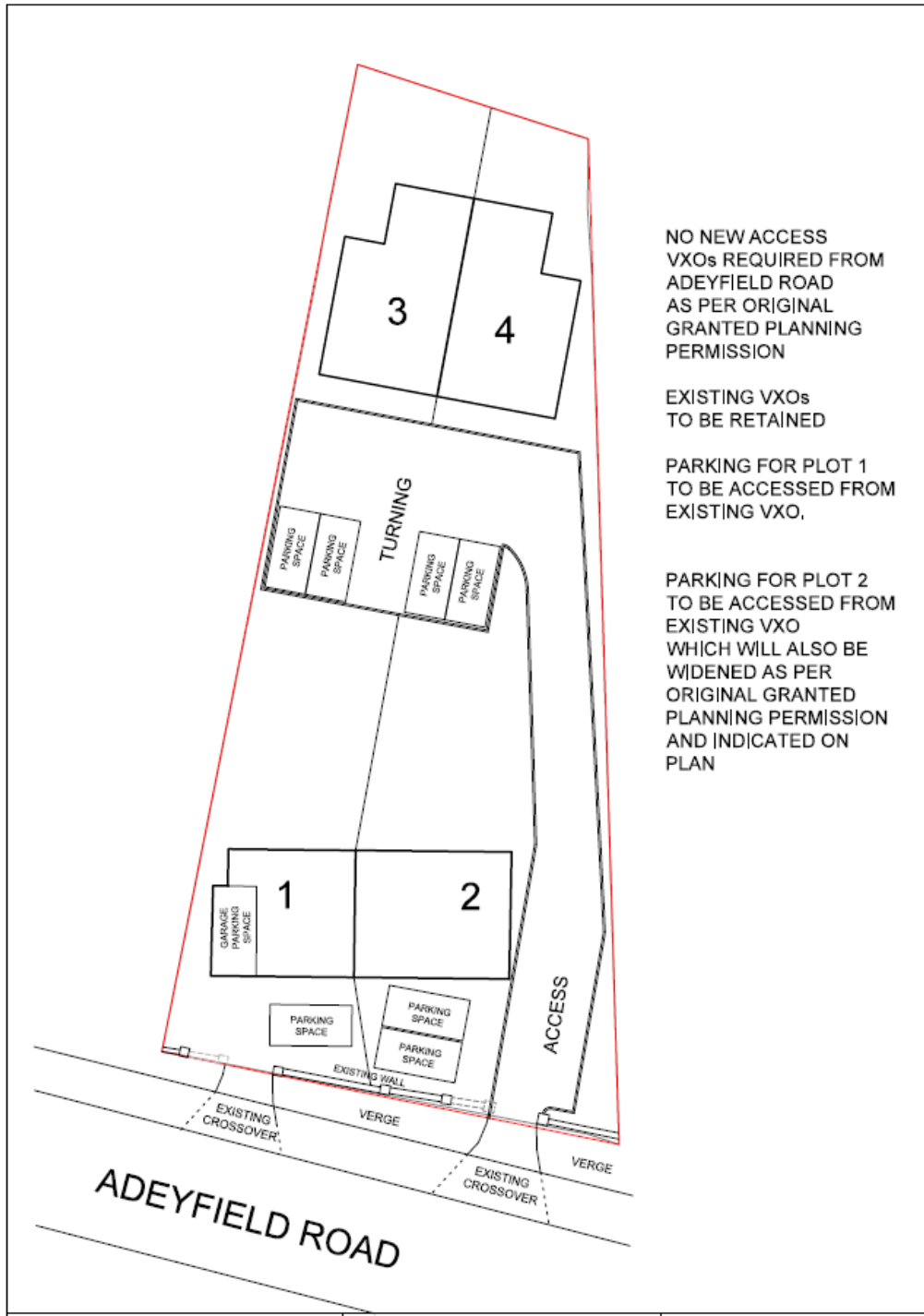
39A ADEYFIELD ROAD, HEMEL HEMPSTEAD, HERTFORDSHIRE. HP2 5DP



Item 5b

4/02033/19/FUL – CONVERSION OF EXISTING DWELLING INTO TWO UNITS AND CONSTRUCTION OF 2 X 3 BEDROOM DWELLINGS.

39A ADEYFIELD ROAD, HEMEL HEMPSTEAD, HERTFORDSHIRE. HP2 5DP



ITEM NUMBER: 5b

4/02033/19/FUL	Conversion of existing dwelling into two dwellings & development of two 3 bed dwellings	
Site Address:	39A Adeyfield Road Hemel Hempstead HP2 5DP	
Applicant/Agent:	Update Record	
Case Officer:	Briony Curtain	
Parish/Ward:	No Parish	Adeyfield West

1. RECOMMENDATION

1.1 That planning permission be GRANTED.

2. SUMMARY

2.1 The site is situated within the urban area of Hemel Hempstead wherein the principle of housing development is acceptable in line with Policies CS1 and CS4 of the Core Strategy 2013. Policy 10 of the DBLP promotes the effective and efficient use of urban land and as such the proposal is acceptable in principle. Moreover, planning permission for the demolition of the existing dwelling and the construction of four dwellings, access road, parking and landscaping has already been granted planning permission by Members in July 2018.

2.2 Therefore consideration of this application rests upon the differences now proposed in relation to density, type of dwellings, appearance, impact on neighbouring properties and highway safety.

2.3 The approved scheme permits the demolition of the existing dwelling and its replacement with three dwellings to the front of the site and an additional single unit to the rear. The current proposal also seeks permission for four dwellings across the site but now seeks to retain the existing dwelling, converting it into two properties, and construct two units to the rear.

2.4 The proposed development would successfully integrate with its surroundings. The existing building would now be retained and whilst being converted into two properties the overall visual there are no external changes proposed such that the impact on the character and appearance of this part of the street scene would be minimal. From the street scene there would be glimpses of the additional dwellings to the rear but given these would be simple in their design and form and relate well to adjacent recent developments they would not cause significant visual harm.

2.5 The proposal would not result in any material detriment to adjoining residential amenities, especially when compared to the previously approved scheme and given existing accesses / vehicle crossovers are to be retained the scheme as now proposed would not have an adverse effect on highway safety.

2.6 There are similar recent developments in the immediate area.

2.7 The proposal complies with Policies CS4, CS8, CS11, and CS12.

3. SITE DESCRIPTION

3.1 The site is located to the east of the town centre on the northern side of Adeyfield Road and currently comprises a two storey dwelling set on a generous sized plot. There are two vehicular access points to the site from Adeyfield Road.

3.2 The topography of the site slopes from the front to the back and overlooks Keen Fields which is designated as open land and has a dramatic slope down and away from the application site with far reaching views both to and from the site. In addition the area slopes up to the east such that No. 41 occupies an elevated position above the application site.

4. PROPOSAL

4.1 Full planning permission is sought for the conversion of the existing building into two 3-bed dwellings and the construction of two 3-bed dwellings within the rear garden. The existing site accesses would be maintained and widened, the eastern most one providing the access road to the rear plots. Each dwelling would be served by at least two-off street parking spaces and a private garden.

5. PLANNING HISTORY

Planning Applications

4/03191/18/FUL - Demolition of existing dwelling and development of two 3-bed and two 4-bed dwellings, access drive, parking and landscaping (resubmission)
GRA - 24th April 2019

4/00367/18/FUL - Demolition of existing dwelling and development of two 3-bed and two 4-bed dwellings, access drive, parking and landscaping
REF - 31st July 2018

4/01851/17/PRE - Demolition of existing dwelling. development of 4 new houses, access drive, parking and landscaping
ROB - 16th November 2017

4/01715/99/FHA - Vehicular crossover
GRA - 3rd November 1999

4/01743/98/FHA - Two storey side extension
GRA - 23rd December 1998

4/00952/98/FHA - Two storey side extension
REF - 9th September 1998

6. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy - Policy CS12: Quality of Site Design
Core Strategy - Policy CS4: The Towns and Large Villages
Core Strategy - Policy CS17: New Housing
Core Strategy - Policy CS18: Mix of Housing

Core Strategy - Policy CS19: Affordable Housing
Core Strategy - Policy CS23: Social Infrastructure
Core Strategy - Policy CS29: Sustainable Design and Construction
Core Strategy - Policy CS30: Sustainability Offsetting
Core Strategy - Policy CS31: Water Management
Core Strategy - Policy CS32: Air, Soil and Water Quality
Core Strategy - Policy CS35: Infrastructure and Developer Contributions

7. CONSTRAINTS

15.2m Air Dir Limit
CIL Zone 3
Former Land Use (Risk Zone)
Residential Character Area
SSSI Impact Risk Zone

8. REPRESENTATIONS

Consultation responses

8.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity (existing and future residents); and
The impact on highway safety and car parking.

Principle of Development

9.2 The application site is located within the town of Hemel Hempstead wherein, in accordance with Policy CS4 of the Dacorum Core Strategy (2013), appropriate residential development is encouraged.

9.3 Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the Borough and new dwellings are supported in principle by policy CS18 of the Core Strategy.

9.4 The NPPF encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that is underused or has been previously developed. Saved Policy 10 of the Local Plan (2004) echoes this and seeks to optimise the use of available land within urban areas.

Previous approval for four dwellings

9.5 It is also important to note that the re-development of the site to provide four dwellings has already been granted planning permission by Members in 2018 (4/03191/18/FUL) and this is a material consideration.

9.6 Taking all of the above into account, the proposal is acceptable in principle and would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The development would be located in a sustainable location and would seek to optimise the use of urban land. The proposal is in accordance with policies CS1, CS4 and CS17 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (2004) and the NPPF (2019).

The Quality of the Design and Impact on the Character and Appearance of the Area

9.7 Paragraph 127 of the NPPF states that planning policies and decisions should, amongst other things:

- ☐ Ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- ☐ Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.
- ☐ Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy CS11 of the Core Strategy seeks to ensure that development:

- ☐ Respects the typical density intended in an area and enhances spaces between buildings and general character,
- ☐ Preserves attractive streetscapes and enhances any positive linkages between character areas.

Policy CS12 states that on each site development should integrate with the streetscape character and respect adjoining properties in terms of layout, site coverage, scale, height, bulk, materials, landscaping and amenity space.

9.8 The site is situated within Adeyfield North (HCA 23) wherein redevelopment and infilling opportunities are identified as limited but may be acceptable according to the development principles. Within this area the principles are defined as follows;

Design;	No special requirements
Type;	Overall no special requirements, but should pay respect to the type, style, size and mass of nearby adjoining development
Size;	should not normally exceed two storeys
Layout;	New development should follow the building line where this is clearly present. Spacing should respect that of nearby and adjacent development and should normally be provided in the medium range (2m to 5m)
Density;	should normally be provided in the medium range (30-50 dwellings/ha)

9.9 The application site already benefits from planning permission for the demolition of the existing building and the construction of three dwellings fronting Adeyfield Road and one to the very rear. The current proposal continues to seek consent for four dwellings in total across the site but it is

now proposed to retain the existing dwelling to the front and convert it into two 3-bedroom properties and then provide a semi-detached pair of 3-bed dwellings to the rear.

9.10 The proposal as now amended is considered acceptable. The proposal still comprises four dwellings on a 0.1 hectare site, which equates to a density of 34 dwellings per hectare, which is within the lower end of the 30-50 density prescribed in the development principles for the area. The overall layout, size and spacing are also acceptable, with the general siting and footprints of the dwellings largely as per the existing and previously approved configurations. The layout as proposed is consistent with the prevailing street pattern and surrounding recent developments.

9.10 Turning to design, the building to the front facing Adeyfield Road is to be retained and given there are no external alterations required to facilitate its conversion, the overall impact of this part of the proposal on the character and appearance of this part of the street scene would be negligible. Similarly the rear units are simple in their design to relate to recent adjoining housing developments and given their set back position behind the front units they would not be readily visible in the Adeyfield Road street scene. The second unit now proposed to the rear would appear as a mirror image of the approved unit and is therefore considered acceptable. The rear units would be highly visible from the open Keens Fields to the rear but no more so that recent surrounding developments and would successfully integrate in longer distance views.

9.11 The proposals are considered to comply with Policies CS11 and CS12 of the Core Strategy 2013.

Impact on Residential Amenity – existing residents

9.12 Policy CS12 of the Dacorum Core Strategy states that development should, amongst other things, avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.13 Concerns have again been raised by local residents over the potential for visual intrusion, loss of light, and overlooking arising from the introduction of built form to the rear of the site. Whilst it is acknowledged that there would be some impact, the harm caused would not be so significant as to warrant a refusal.

9.14 The overall siting, position, height and design of the new dwellings remains as per previously approved. It is acknowledged that two units are now being proposed to the rear of the site so the mass and bulk of the built form is larger however the western unit remains exactly as per previously approved and the new unit sits immediately to the east appearing as a mirror image. It is important to note therefore that given its position and orientation the eastern rear dwelling now proposed would have no greater impact on the adjacent care facility than the dwelling already approved. It would be closer to No. 41 but given the separation distances would not appear unduly prominent or give rise to overlooking or privacy concerns.

Impact on Residential Amenity – future residents

9.15 Turning to the amenity of future residents the buildings are set an acceptable distance apart (in excess of 23m) to ensure an acceptable level of privacy, and each property is served by a private, (albeit small for units 3 and 4) enclosed rear garden which is of functional size and shape. The two units within the converted building along the main road frontage will have garden depths and widths which accord with Policy guidelines (exceeding the minimum 11.5m depth required in appendix 3 of the DBLP). However, the two properties to the rear have appreciably smaller garden areas which fall below the required standard garden depth of 11.5m. Although it is unusual to consider family houses (3-bedroom) with substandard garden provision, in this

particular case the vast expanse of public open amenity land that surrounds the site is considered to adequately compensate for the shortfall. In addition whilst the depth clearly falls short of the required depth, the area would provide a functional amenity. In addition it is comparable to surrounding recently approved developments.

9.16 Given the layout and siting of the properties and the limited amenity space provided it is considered necessary and reasonable to remove permitted development rights for extensions, roof additions, outbuildings and hard surfaces

9.17 The development is considered to comply with Policy CS12 of the Dacorum Core Strategy.

Impact on Highway Safety and Parking

9.18 The previous approved scheme sought to close the existing western vehicular crossover and widen the eastern one to provide access and parking for all four dwellings. The current proposal seeks to retain and widen both existing crossovers/accesses. The western one will serve Unit 1 to the front, whilst the eastern one will provide access to the parking of Unit 2 and the access road to units 3 and 4 at the rear of the site. Given the scale of the development (three additional units) whilst the use of the site would intensify it would not have a severe residual impact on the adjoining highway. Herts County Council Highways have reviewed the proposals and raise no objection subject to the imposition of conditions. Whilst concern has been raised by a local resident that the access arrangements will require the removal of tree/s from the public highway (verge) the proposal does not seek the removal of tree/s. Given the widened access and the grass verge to the front, adequate pedestrian and vehicular visibility is provided in both directions.

Other Material Planning Considerations

9.19 Affordable Housing

In line with Policy CS19 of the Core Strategy, which has been subject to updated interpretation through the Council's Affordable Housing SPD – Clarification Note, the construction of 3 additional dwellings would not give rise to a requirement for affordable housing – either by way of on-site provision or in the form of a commuted sum.

9.20 Contamination

The site has been identified as having the potential for contamination. As such the Council's Scientific Officer has requested the imposition of the standard conditions requiring site investigations. These have been included. A construction management plan has been requested but for a development of this scale, its imposition is not considered to meet the necessary tests. In addition the Highways Authority has the power to act if there are obstructions or hazards regardless of planning decisions/conditions.

9.21 Fire

As per the previous permission Herts Fire and rescue require that the development would need to make provision for fire hydrants (or other measures). A condition requiring these has been included.

9.22 Waste Management

No details of waste management facilities have been submitted but given the layout and road widths proposed are comparable to the approved scheme, the LPA is satisfied these can be adequately provided and as such will be required by condition prior to the occupation of the dwellings.

9.23 Subsidence

Concern has again been expressed in relation to ground stability and the impact of the development of surrounding properties that have already experienced subsidence issues. This would however not be a matter for consideration as this would be dealt with under Building Regulations is and when planning permission is granted.

Community Infrastructure Levy (CIL)

9.24 Policy CS35 states that all development will provide or contribute to the provision of the on-site, local and strategic infrastructure required to support the development.

9.25 The site is situated within Charging Area 3 as defined by the Community Infrastructure Levy Charging Schedule. As such, residential development within this area is chargeable at a rate of £100 per square metre.

10. RECOMMENDATION

10.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. No above ground development shall take place until details of the materials to be used in the construction of the external surfaces of the semi-detached pair of dwellings hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

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

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

Schedule 2 Part 1 Classes A, B, C, D, E, F.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

4. No above ground development shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

Hard surfacing materials;

Means of enclosure;
Bin storage facilities

Soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; trees to be retained and measures for their protection during construction works;

Proposed finished levels or contours;

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);

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

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

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. No development, other than the conversion works to the existing building shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

6. All remediation or protection measures identified in the Remediation Statement referred to in Condition 5 above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

7. Prior to the occupation of the development hereby approved full details of fire hydrants and other measures to protect the development from fire will be submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. As there is insufficient access and turning facilities, a rising main or suppressing system must be installed for Plots 3 & 4. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details and thereafter maintained as such.

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with core strategy policies CS1, CS4, CS12 & CS29.

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

NT/ADY/002
NT/ADY/003
NT/ADY/004
NT/ADY/005
NT/ADY/006
NT/ADY/007
NT/ADY/008

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

Informatives:

1. Planning permission/advertisement consent/listed building consent has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
<p>Hertfordshire Highways (HCC)</p>	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>CONDITIONS:</p> <p>1. The development shall not be brought into use until all on site vehicular areas have been surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway</p> <p>Reason: In the interest of highway safety</p> <p>2. The development shall not be brought into use until an amended plan showing the proposed arrangements for the collection of waste shall be completed and submitted for approval by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety.</p> <p>The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-</p> <p>INFORMATIVES:</p> <p>1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and</p>

section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

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

COMMENTS

This application is for Conversion of existing dwelling into two dwellings & development of two 3 bed dwellings

This amendment shows details of the proposed access and parking arrangements

PARKING

The proposal is to create a total of 8 parking spaces for the proposed properties; two on new hard standings in front of plots 1 and 2, and four on a new hard standing to be constructed in the middle of the site for plots 3 and 4, to be accessed via a new driveway and vxo.

ACCESS

The existing property currently has an in-out driveway with two vxos on Adeyfield Road, which is a "C" classified Local Distributor road, the C129, with a speed limit of 30mph. Vehicles are required to enter and leave the highway in forward gear. There have been 2 slight accidents involving personal injury in the past 5 years in the vicinity of the site.

The amended proposal is to use the existing vehicular accesses without any amendment, although the internal driveway is to be widened.

REFUSE STORAGE AND COLLECTION

No proposals have been made for the storage or collection of waste

The rear of plots 3 & 4 are approximately 30m from the highway, while plot 3 is more than 40m from the highway.

Roads in Herts, section 2.6.8 Refuse collection, states that vehicles must be able to stop within the "maximum refuse carry distance" specified by the Local Planning Authority or within 25m of any bin storage area, whichever is the lesser distance. Residents should not have to carry their rubbish more than 30m to a storage point. (Sources BS5906 2005 and Schedule 1 Part H Building Regulations). The applicant is therefore required to submit a revised plan showing the proposed arrangement for the collection of waste from the development.

EMERGENCY VEHICLE ACCESS

Manual for Streets: 6.7.2, states that there should be a vehicle access for a pump appliance within 45m of single family houses and fire service vehicles should not have to reverse more than 20 metres. If a developer

	<p>wishes to reduce the running carriageway width to below 3.7m, they should consult the local Fire Safety Officer. The fire services department would need to be consulted for their comments regarding the accessibility of the proposed dwelling by fire service vehicles</p> <p>MFS,6.7.2 The Building Regulation requirement B5 (2000)10 concerns 'Access and Facilities for the Fire Service'. Section 17, 'Vehicle Access', includes the following advice on access from the highway:</p> <ul style="list-style-type: none"> o there should be a minimum carriageway width of 3.7 m between kerbs; o there should be vehicle access for a pump appliance within 45 m of single family houses; o there should be vehicle access for a pump appliance within 45 m of every dwelling entrance for flats/maisonettes; o a vehicle access route may be a road or other route; and o fire service vehicles should not have to reverse more than 20 m. <p>CONCLUSION</p> <p>Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highways subject to the conditions and informative notes above.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
0	4	0	5	0

Neighbour Responses

Object (O), Support (S), Representation (R)	Comments
O	<p>I write to confirm I strongly protest on the above proposal for the following reasons:-</p> <ol style="list-style-type: none"> 1. Walsingham Care home for disabled people is adjacent to 39A and already has severe loss of light due to the other recent development and the other side of them. If you let this development go ahead there will be very limited light which would be devastating to the residents of the home who enjoy the sunshine they have on the terrace of the care home, I'm sure the press and social media would be interested if you did this to them. 2. If there are Four houses there it would be a severe accident risk as the position of the land concerned is on a very busy road where people often exceed the speed limit and this could have disastrous consequences for all concerned. 3. You will have to chop the tree down in front of the house which would mean a loss of privacy for myself and would be easy for the owners

	<p>and passers by to see my Kitchen, and would not be good for birds and wildlife who use the tree as their homes.</p> <p>4. These plans keep getting re-submitted with very slight changes, myself and my neighbours will ALWAYS object to this ludicrous plan which are ridiculous.</p>
<p>O</p>	<p>I wish to register objections to the size and scope of the proposed development at 39A Adeyfield Road, Hemel Hempstead. I have objections on a number of grounds.</p> <ol style="list-style-type: none"> 1. The property below 39A is a single story residential home for people with Severe Learning disabilities/physical disabilities/autism people. It already has a large new development on one side which overpowers the single story residence. The proposed development of 39A will further overshadow the single story property in an unacceptable way reducing privacy and light. 2. The property at No 39 boundary line with No 39A has a high raised slope that may require construction workers to have access via this property this would cause a serious concern to the health, safety and well-being of a group of vulnerable people and to staff who access a car park below the boundary wall. 3. Staff supporting people living at No 39 use the footpath on a regular basis to support people to access the community by walking or supporting people in wheelchairs. The impact of construction vehicles parked on the pathway will restrict access to the community facilities that they currently use and also the Health and Safety of having to manoeuvre round the parked vehicles at times by having to access a busy road. This has been our experience with the building works that have occurred with the construction that has already commenced on the opposite side of this property. 4. The proposed development frontage onto Adeyfield Road is completely out of character with the rest of the domestic properties along the road. It completely changes the aspect and degrades the visual look. Three story terrace housing of the design proposed is not appropriate. Even the development further down the road has maintained the frontage character and this should be applied to any proposed development at 39A. 5. I have concerns regarding the impact of another numerous vehicles accessing a busy road. Adeyfield Road is a main link road to the industrial area and the M1 motorway for many people. It has at least 5 bus routes including an express service to London. The road is used frequently by emergency services on 'blue light' calls to access the motorway. The proposed access road to this development will be on a particularly hazardous blind spot, just below the top of the hill. Over the last few years at least 2 serious accidents have happened on this road. A new development further down the road has already increased the potential risks and it is my view that adding to that risk would be dangerous. The proposed development should be reduced in size to reduce the risk. 6. The proposed plans show that it is the developer's intention to provide an access road between 39A and 41, by excavating and widening the current access to 39A. 41 Adeyfield Road has a history of severe subsidence along this boundary due to the ground conditions and slope. Creating access to the proposed development by excavations will seriously put the property at 41 at risk.

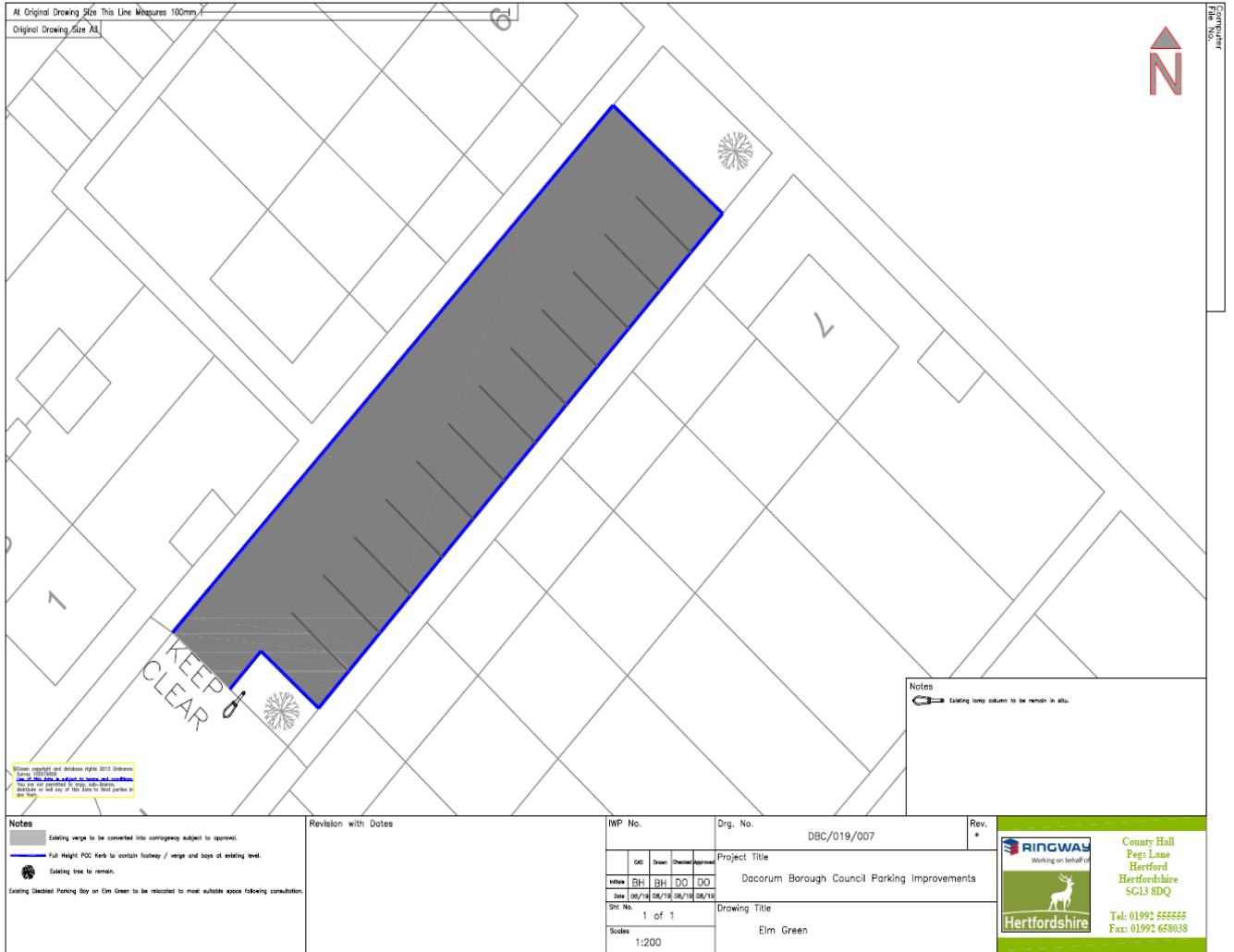
O	<p>I wish to register objections to this proposed development. The plans submitted are lacking in detail. No dimensions!!</p> <p>1. My main area of concern is the impact of the proposed single dwelling in the garden alongside the boundary with 39 Adeyfield Road, currently a residential care home for severely disabled people. The slope of the land between the two properties is considerable, borne out by the need to have a massive retaining wall at the front of the properties to prevent 39 A falling into its neighbour. The slope increases the height of the proposed dwelling by at least a metre.</p> <p>The proposed dwelling will have a significant effect on the light and be visually intrusive and overbearing to the single storey property of 39 and its residents (see attached photo showing land almost level with roof line of 39 Adeyfield Road)</p> <p>In fact any multi storey dwelling built in the garden would by nature of the slope of the land be overbearing and intrusive. Refusal of any application for building in the garden should always be upheld even if a suitable compromise were found for the development of housing the front.</p> <p>2. . I have concerns regarding the impact of another 8+ vehicles accessing a busy road. Adeyfield Road is a main link road to the industrial area and the M1 motorway for many people. It has at least 5 bus routes including an express service to London. The road is used frequently by emergency services on 'blue light' calls to access the motorway. The hill, where the proposed development is located, is hazardous in bad weather and has had, over the last few years, at least 2 serious accidents, one almost opposite the proposed development. Vision is obscured by road side trees in both directions from the proposed access drive. (see attached photo). A new development further down the road has already increased the potential risks and it is my view that adding to that risk would be dangerous. The proposed development should be reduced in size to just the conversion of the existing dwelling to reduce the risk.</p> <p>3. The proposed plans show that it is the developer's intention to provide an access road between 39A and 41, by excavating and widening the current access to 39A. 41 Adeyfield Road has a history of subsidence along this boundary due to the ground conditions and slope. Creating access to the proposed development by excavations will seriously put the property at 41 at risk</p> <p>4. From the proposed plans there is limited access for emergency vehicles should they need access to the dwellings. The turning area is insufficient for large vehicles, (Fire appliances), to turn especially if cars are parked in the proposed parking areas. This would mean fire appliances having to park on the main road and fight a fire by running hoses etc down the access road. Not an acceptable or safe option.</p> <p>5. A similar situation applies to the collection of rubbish. Currently households in Dacorum have to place wheelie bins by the roadside. This would mean residents in the semi-detached property proposed would need to transport their waste a considerable distance.</p> <p>The crux of my objection is to the proposed semidetached dwelling in the garden. They will have a great impact on the wellbeing of neighbours, be difficult to service, and present a safety issue. Any</p>

	development on this site should be restricted to conversion of the existing dwelling.
O	<p>The proposal does not provide safe and satisfactory access for residents, road users and pedestrians. The impact of having more cars trying to join the road just under the brow of the hill in what is virtually a crossroads with Mountfield Road, will be a real hazard to residents trying to get in and out of driveways, and to the stream of traffic using the road day and night, often at great speed. Adding another 2 dwellings so close to the Mountfield Road Junction would dangerously affect the safety and operation of traffic on an already unsafe Adeyfield Road</p> <p>There is inadequate parking on the proposed development. Adeyfield Road carries a high volume of traffic but it is much narrower than the other main routes from the town centre - Queensway and St Albans Road. There are no traffic calming measures and there is a single pavement on one side of the road. Inadequate parking facilities will bring about the likelihood that cars will attempt to park on the pavement which will be particularly dangerous for mobility scooters and those with prams and pushchairs, who will be forced to move onto the road to pass parked vehicles. Parked vehicles will also seriously compromise visibility for residents and traffic.</p> <p>The size, scale, height and position of the proposed 3 storey semi-detached houses in the back garden would restrict light levels and be visually intrusive to the adjacent bungalow at 39, and our property at 41. This new development would be totally overbearing for those living at no, 39 and would dwarf this care home.</p> <p>The unstable nature of the bank that divides no. 41 from the proposed development would be exacerbated by the excavation and construction of a 50 metre access road running along the length of the boundary between no. 41 and 39a which would also greatly add to noise disturbance. Repairs have also been undertaken in the past to no. 41, including underpinning and structural repairs. Landslip is a continuing feature in an east to west (downhill direction as evidenced by the crumbling front garden supporting walls at no.39a.</p> <p>I hope you will consider these objections carefully and appreciate the fact that they are not only of an aesthetic nature but affect the very fabric of our house at no. 41</p>

Item 5c

4/02277/19/FUL – CHANGE OF USE OF AMENITY GREEN TO PARKING AREA COMPRISING 13 PARKING BAYS.

AMENITY GREEN OPPOSITE 7 ELM GREEN, HEMEL HEMPSTEAD, HERTS. HP1 3PX



ITEM NUMBER: 5c

4/02277/19/FUL	Install 13 parking bays on amenity land	
Site Address:	Amenity Green Opp. 7 Elm Green Hemel Hempstead HP1 3PX	
Applicant/Agent:	Update Record	
Case Officer:	Colin Lecart	
Parish/Ward:	No Parish	Chaulden And Warners End

1. RECOMMENDATION

1.1 That planning permission be GRANTED.

2. SUMMARY

2.1 This application is part of the 'The Verge Hardening Project' that has highlighted and prioritised the areas of extreme parking stress in the Borough. The application is not considered to have a detrimental impact on the street scene or the amenity of neighbouring properties and would help to alleviate the on street parking stress that is prevalent in the surrounding area.

3. SITE DESCRIPTION

3.1 The application site comprises a strip of amenity green that is located adjacent to the properties located along Elm Green, Hemel Hempstead. The Open Land Designation of Spring Fields is located to the north and north east of the site. Elm Green is a small road accessed off Daggs Dell Road which leads straight onto a small car parking area that serves the adjacent properties.

4. PROPOSAL

4.1 The application seeks permission to install 13 new car parking spaces on the existing amenity green.

5. PLANNING HISTORY

Planning Applications (If Any):

4/01018/17/FHA - First floor extension over existing side extension & loft conversion with rear dormer
GRA - 15th August 2017

4/00750/03/FHA - Single storey front/side extension
GRA - 21st May 2003

Appeals (If Any):

6. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

CS4
CS11
CS12
CS31

Saved Appendix 5

Saved Policy 99

7. CONSTRAINTS

15.2m Air Dir Limit
Community Infrastructure Levy
Residential Character Areas
SSSI Impact Risk Zones
Source Protection Zone

8. REPRESENTATIONS

Consultation responses

8.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

9. CONSIDERATIONS

9. Main Issues

9.1 The main issues to consider are:

- ☐ Policy and Principle
- ☐ Impact on Street Scene and Surrounding Area
- ☐ Impact on Residential Amenity
- ☐ Impact on Highway Safety
- ☐ Trees

10. Principle of Development

10.1 The application site is located within an established residential area of Hemel Hempstead wherein accordance with Policy CS4 of the Core Strategy (2013) the principle of residential development is acceptable.

10.2 Policies CS11, CS12 and CS13 seek to ensure that development avoids large areas dominated by car parking, preserves attractive streetscapes, avoids disturbance to surrounding

properties and retains important trees or replaces them with suitable species if their loss is justified.

10.3 Character Appraisal Area HCA3 (Warners End) states that the use of parts of areas of amenity land for car parking may be acceptable if the resulting visual impact does not adversely affect the character and appearance of the area and established landscaping.

11. Quality of Design / Impact on Visual Amenity

11.1 The amenity green is visible from the top of Elm Green but sits behind an area of existing car parking. Whilst the soft grass verge would be replaced with hard surfacing, the two trees on the green would be retained thus maintaining a degree of landscaping. Two areas of grass verge at either side of the access to Elm Green would also be maintained.

11.2 A neighbouring comment has referred to another application for verge hardening on a verge close to the access with Elm Green (4/02275/19/FUL) and questioned the need for both schemes. Whilst this scheme should be assessed on its own merits, it should be noted that the scheme on Daggs Dell Road would not incorporate the entire grass verge. Again a strip of verge and the tree located on it adjacent to the access to Elm Green would be retained. The verge and associated trees directly adjacent to the access to Daggs Dell from Polehanger Lane would also remain under 4/02275/19/FUL. Landscaping further down Daggs Dell to the west would also remain and an amenity area on Maple Green would be maintained.

11.3 The amenity area on Maple Green was considered a potential site for a new car parking area, but following communication between the applicant and the Trees and Woodlands Department, the site at Elm Green was preferred as no trees would need to be removed to make way for the development.

11.4 Another comment has queried the potential use of another site. However, this application should be assessed on its own merits and acceptability in policy terms.

11.5 Due to the above, it is considered the loss of the amenity green on Elm Green would not unduly impact upon the surrounding area. Thus, the application complies with Policy CS11, CS12 and the Character Appraisal for HCA3: Warners End (2004).

12. Impact on Residential Amenity

12.1 The proposal would not have an adverse impact on residential amenity in terms of loss of light or privacy.

12.2 Spring Fields playing fields is located directly north and north east of the site and is available for use by local residents in combination with their rear gardens. Therefore, it is not considered the proposal would result in a lack of amenity space provision for residents within the area.

13. Impact on Highway Safety and Parking

13.1 Hertfordshire County Highways Authority have no objections to the proposal. The manoeuvring distance behind the bays is 4.8m. This is below the 6m standard as set out in Saved Appendix 5 of the Local Plan (2004). However, all of the bays are 3m in depth which exceeds the 2.4m width as set out in Appendix 5.

13.2 It is the view of the applicant's engineer that this increased width allows for a reduced manoeuvring distance behind the bays and guidance notes have been provided with respect to this. A tracking plan has also been submitted to show that vehicles can successfully manoeuvre out of the bays.

14. Impact on Trees and Landscaping

14.1 The Trees and Woodlands officer has no objection to the proposal. It has been advised that protective fencing should be in place during construction to protect the root protection areas of the properties. This would be secured by condition.

10. **CONCLUSION**

10.1 The application is recommended for approval.

11. **Recommendation**

11.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

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

DBC/019/007

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

3. Before being brought in to use the new parking areas hereby approved shall be surfaced in porous paving or tarmacadam or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety in accordance with Policy CS31 of the Core Strategy (2013).

4. No work (including site clearance) in relation to the development hereby approved shall be undertaken until full details setting out how retained trees shall be protected, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction), have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
 - o A scaled Tree Protection Plan showing the approved development layout and retained trees (surveyed in accordance with BS5837:2012), to include their accurate crown spreads and root protection areas (RPAs).
 - o The position and specification of tree protection fencing in accordance with BS5837:2012 (as applicable).
 - o The position and specification of ground protection in accordance with BS5837:2012 (as applicable).

There shall be no excavation, changes in levels, storage of materials or access within the RPA of retained trees unless previously specified and agreed.

The works must then be carried out according to the approved details.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 170 of the National Planning Policy Framework (2019).

Informatives:

1. Planning permission consent has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Trees & Woodlands	No trees are proposed for removal within this site and I have no concerns. I have discussed with Gill and advised protective fencing is required to protect the Root Protection Area.
Hertfordshire Highways (HCC)	<p>Proposal Installation of 13 parking bays on amenity land</p> <p>Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>CONDITIONS: 1. Before being brought in to use the new parking areas hereby approved shall be surfaced in porous paving or tarmacadam or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.</p>

	<p>Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety.</p> <p>INFORMATIVES:</p> <p>1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>COMMENTS</p> <p>This application is for Installation of 13 parking bays on amenity land.</p> <p>The site is located opposite 7 Elm Green, which is an unclassified local access road.</p> <p>ANALYSIS</p> <p>The application is submitted by Dacorum Council, the LPA.</p> <p>ACCESS/PARKING</p> <p>The application site is surrounded by residential properties and while the proposed additional parking spaces will remove two off street parking spaces, it will provide 13 additional off-street parking spaces.</p> <p>CONCLUSION</p> <p>Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highways.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
0	1	0	2	0

Neighbour Responses

Object (O), Support (S), Representation (R)	Comments
O	<p>Comments: I object to this application on two grounds; questionable necessity and environmental aspects.</p> <p>The area in question is currently an amenity green with no road passing through and is therefore the application is in a different category to simple verge hardening where a road already exists. There is currently an application for verge hardening in Daggs Dell Road, at the top of Elm Green, where eight new car spaces are to be created (4/02275/19/FUL). This will convert grass verges, on which cars already park, to parking spaces and is eminently reasonable. To obliterate an entire green, unless absolutely necessary, is not, especially as the Daggs Dell Road development may well ease parking in Elm Green. There is also potential to enlarge the current parking space at the top of Elm Green, making a further two or three spaces available to residents without harming the green itself. There are currently no plans to do this, although it might make sense to incorporate it into the Daggs Dell Road scheme.</p> <p>I would suggest withholding planning permission for the Elm Green development until the Daggs Dell Road verge hardening has been completed and its impact assessed. I have lived on Elm Green for twelve years and have never had a problem parking, and therefore question the necessity of the proposal, particularly as the Daggs Dell Road development may alleviate any difficulties perceived by others. Immediate access to houses from a car when unloading shopping (cited by some neighbours I have spoken to as a reason for supporting the proposal, rather than an inability to park), I do not believe is a sufficient justification, in these days of online grocery delivery, for the destruction of a green.</p> <p>With regard to environmental aspects, I note that the Supplementary Planning Document (SPD) to the Dacorum Borough Local Plan on Water conservation contains the following as the second bullet point in section 5.2:</p> <ul style="list-style-type: none"> - Use of porous surfaces where possible. <p>I understand that the proposal under discussion is to replace the green with a non-porous surface. Porous surfaces are perfectly acceptable for parking areas as they have to cope only with slow moving or stationary vehicles and do not have to withstand the physical punishment suffered by road surfaces. I submit that the current application goes against Council policy in this respect.</p> <p>Section 2.3 of the SPD on Energy Efficiency and Conservation contains the following:</p> <ul style="list-style-type: none"> - Policy INF4 in RPG9 states that in planning the future development of the region and activities within it, priority should be given to energy

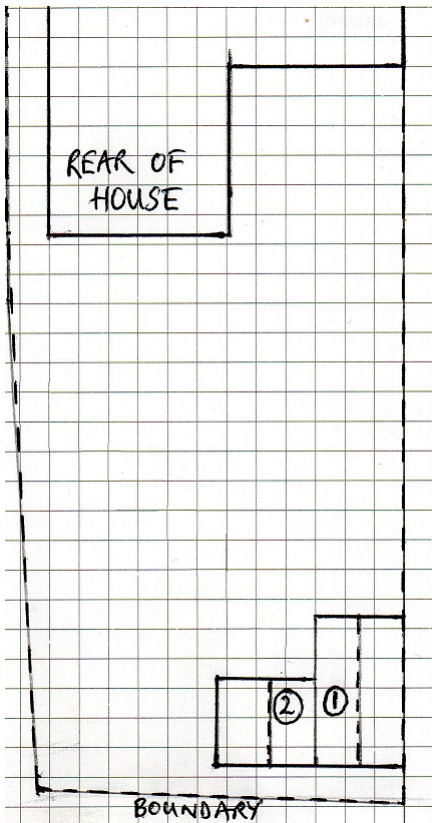
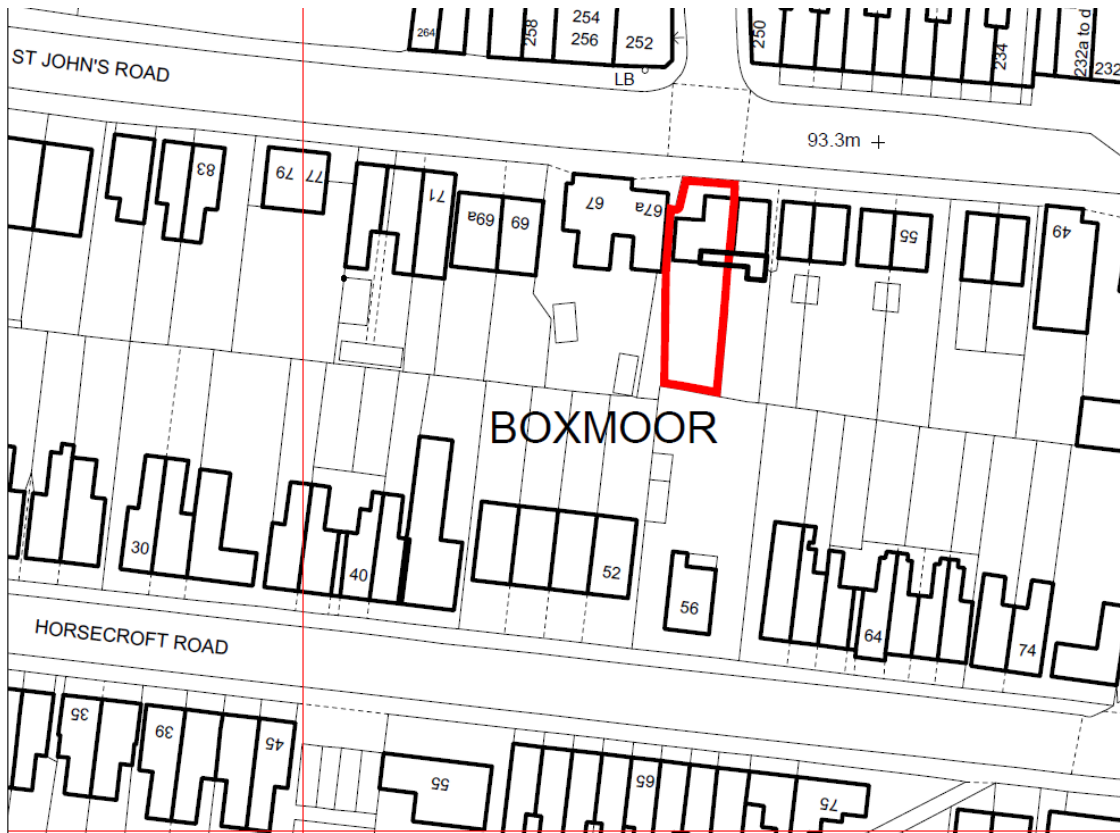
	<p>conservation and to maximising the use of renewable energy sources as an alternative to fossil fuels.</p> <p>It seems to me that in order to comply with this policy, the Council should be providing Electric Vehicle Charging Points (EVCPs) when creating new car parking facilities. There are no plans to do so. I submit that the current application is remis in this respect.</p> <p>I should like the opportunity to address the Development Management Committee when it meets to consider this application.</p>
<p>○</p>	<p>What is the utilisation of the existing garage block opposite 27 Polehanger lane, a lot of these appear unused and subject to vandalism. Could this space be used as an alternative to losing amenity land?</p> <p>Would the existing boundary hedge/ fence be relocated to prevent vehicles accessing the remaining amenity green, which has been a problem until additional posts were installed adjacent to the above garage block.</p>

Agenda Item 5d

Item 5d and related application 5e

4/02266/19/FHA 4/02267/19/LBC – RETENTION OF GARDEN SHED

65 ST. JOHNS ROAD, HEMEL HEMPSTEAD. HERTS HP1 1QQ



Item 5d and related application 5e

4/02266/19/FHA 4/02267/19/LBC – RETENTION OF GARDEN SHED

65 ST.JOHNS ROAD, HEMEL HEMPSTEAD. HERTS HP1 1QQ



INDEX

ITEM NUMBER: 5d

4/02266/19/FHA	Retention of existing shed in Garden.	
Site Address:	65 St Johns Road Hemel Hempstead HP1 1QQ	
Applicant/Agent:	Mr Allen	
Case Officer:	Neil Robertson	
Parish/Ward:	No Parish	Boxmoor

1. RECOMMENDATION

1.1 That planning permission be GRANTED.

2. SUMMARY

2.1 The proposal is to be considered by committee due to the application being made by a councillor. It is for the retention of a garden shed and storage structure within the curtilage of a grade II listed building. The shed and store have been at the site since 2003.

3. SITE DESCRIPTION

3.1 The existing house is part of a symmetrical semi detached pair comprising numbers 63 and 65. Two other pairs of matching houses 55 & 57 and 59 & 61 are located adjacent and form a pleasant group. These are all of two storeys constructed in flint with red brick pilasters and hipped slate roofs. All have gardens to the rear.

4. PROPOSAL

4.1 The proposal is for the retention of a shed and a storage building. These are modest in scale of single storey with timber boarded exterior and a shallow felt roof.

5. PLANNING HISTORY

Planning Applications

4/02267/19/LBC - Retention of existing shed in Garden.
PDE -

4/04098/15/LBC - Two storey rear extension and alterations
GRA - 30th March 2016

4/04097/15/FHA - Two storey rear extension and alterations
GRA - 30th March 2016

4/00772/15/PRE - Two storey extension
ROB - 25th March 2015

4/00512/04/LBC - Remove existing timber floorboards, supports and joists. replace with solid concrete flooring in the hallway
GRA - 7th April 2004

4/00469/03/LBC - Remove garage door, replace with window, and internal works to provide new kitchen. Remove present kitchen to create show and utility room and construct firewall
GRA - 4th April 2003

4/00379/98/LBC - Conversion of garage to shower and utility rooms
REF - 6th August 1998

6. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy - Policy CS27: Quality of the Historic Environment
Local Plan - Saved Policy 119: Development Affecting Listed Buildings
National Planning Policy Framework - Section 16: Conserving and enhancing the historic environment

7. CONSTRAINTS

Grade 2 Listed Building
45.7m Air Dir Limit
CIL Zone 3
Former Land Use (Risk Zone)
LHR Wind Turbine
Residential Character Area
SSSI Impact Risk Zone
Town Centre/Local Centre

8. REPRESENTATIONS

Consultation responses

8.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

9. CONSIDERATIONS

Impact upon the setting of the listed building.

9.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities should have special regard to preserving the setting of listed buildings. This requirement should be given great weight in the planning process.

9.2 The sheds have been on the site since 2003. They are modest storage structures constructed in timber with shallow felt roofs. It is understood that they replaced similar structures. The materials, finish and scale of the buildings are in keeping with the character of the listed building. They are located at the point in the garden furthest from the listed building and are partially screened by planting. It should also be noted that they are on a similar building line and of a similar scale to the shed in the adjacent property.

9.3 Numbers 55 & 57 and 59 and 61 have small brick back to back sheds located in their gardens adjacent to the houses. These have slate roofs. They appear to have been constructed in immediate post war period probably the early 1950s. The back to back sheds for 63 and 65 appears to have been demolished towards the end of the 20th century possibly late 1980s. As this was not a curtilage listed structure this would not have needed listed building consent to be demolished.

9.4 Having carefully considered the sheds and their impact on the setting and significance of the listed buildings in the whole is not considered that these detract from the setting of the listed building. They do not harm the significance of the listed building or its setting. Therefore having had special regards to preserving the setting of the listed buildings it is considered that the proposals are acceptable and should be approved. As no harm to the setting of the listed building has been identified the balancing exercise as noted in the framework does not need to be entered into.

10 CONCLUSION

10.1 The sheds do not harm the setting of the listed building and are therefore acceptable.

11. RECOMMENDATION

11.1 that planning permission be **GRANTED**

1. No Conditions

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
0	0	0	0	0

Neighbour Responses

Object (O), Support (S), Representation (R)	Comments
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ITEM NUMBER: 5e

4/02267/19/LBC	Retention of existing shed in Garden.	
Site Address:	65 St Johns Road Hemel Hempstead HP1 1QQ	
Applicant/Agent:	Mr Allen	
Case Officer:	Neil Robertson	
Parish/Ward:	No Parish	Boxmoor

1. RECOMMENDATION

1.1 That Listed Building Consent be granted.

2. SUMMARY

2.1 The proposal is for the retention of a shed and storage structure in the grounds of a listed building. These are located at the end of the garden furthest from the house and are of small scale. They do not detract from the setting or significance of the listed building. The application needs to go to committee due to the applicant being a councillor.

3. SITE DESCRIPTION

3.1 The existing property is 19th century two storey in flint with red brick pilasters. The roof is a shallow hipped welsh slate. There is a recessed wing to the right. It forms a pair with 63 and part of a group of three matching dwellings 55-57, 59-61 and 63-65. There is a domestic garden to the rear. The adjacent property (63) has a shed on the same building line as those in the garden.

4. PROPOSAL

4.1 The proposal is to retain the existing shed/ store. These are modest single storey structures in keeping with the general character of the area. The shed has a timber boarded exterior and a shallow felt roof. The store is a more basic structure with a roof. It is obscured by planting.

5. PLANNING HISTORY

Planning Applications

4/02266/19/FHA - Retention of existing shed in Garden.
PDE -

4/04098/15/LBC - Two storey rear extension and alterations
GRA - 30th March 2016

4/04097/15/FHA - Two storey rear extension and alterations
GRA - 30th March 2016

4/00772/15/PRE - Two storey extension
ROB - 25th March 2015

4/00512/04/LBC - Remove existing timber floorboards, supports and joists. replace with solid concrete flooring in the hallway
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4/00379/98/LBC - Conversion of garage to shower and utility rooms
REF - 6th August 1998

6. PLANNING POLICIES

Main Documents:

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Relevant Policies:

Core Strategy - Policy CS27: Quality of the Historic Environment
Local Plan - Saved Policy 119: Development Affecting Listed Buildings
National Planning Policy Framework - Section 16: Conserving and enhancing the historic environment

7. CONSTRAINTS

Grade 2 Listed Building
45.7m Air Dir Limit
CIL Zone 3
Former Land Use (Risk Zone)
LHR Wind Turbine
Residential Character Areas
SSSI Impact Risk Zone
Town Centre/Local Centre

8. REPRESENTATIONS

Consultation responses

8.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

9. CONSIDERATIONS

Impact upon the setting of the listed building.

9.1. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities should have special regard to preserving the setting of listed buildings. This requirement should be given great weight in the planning process.

9.2 The sheds have been on the site since 2003. They are modest storage structures constructed in timber with shallow felt roofs. It is understood that they replaced similar structures. The materials, finish and scale of the buildings are in keeping with the character of the listed building. They are located at the point in the garden furthest from the listed building and are partially screened by planting. It should also be noted that they are on a similar building line and of a similar scale to the shed in the adjacent property.

9.3 Numbers 55 & 57 and 59 and 61 have small brick back to back sheds located in their gardens adjacent to the houses. These have slate roofs. They appear to have been constructed in immediate post war period probably the early 1950s. The back to back sheds for 63 and 65 appear to have been demolished towards the end of the 20th century possibly late 1980s. As this was not a curtilage listed structure this would not have needed listed building consent to be demolished.

9.4 Having carefully considered the sheds and their impact on the setting and significance of the listed buildings in the whole it is not believed that these detract from the setting of the listed building. They do not harm the significance of the listed building or its setting. Therefore having had special regards to preserving the setting of the listed buildings it is considered that the proposals are acceptable and should be approved. As harm has not been identified to the setting of the listed building the balancing exercise as noted in the framework does not need to be entered into.

10 CONCLUSION

10.1 The sheds do not harm the setting of the listed building and are therefore acceptable.

11. RECOMMENDATION

11.1 That Listed Building Consent be GRANTED

No Conditions

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
0	0	0	0	0

Neighbour Responses

Object (O), Support (S), Representation (R)	Comments

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Agenda Item 5f

Item 5f

4/00718/19/FUL – CHANGE OF USE OF AGRICULTURAL LAND TO DOG WALKING Paddock WITH ASSOCIATED CAR PARKING AND VEHICLE CROSSOVER.

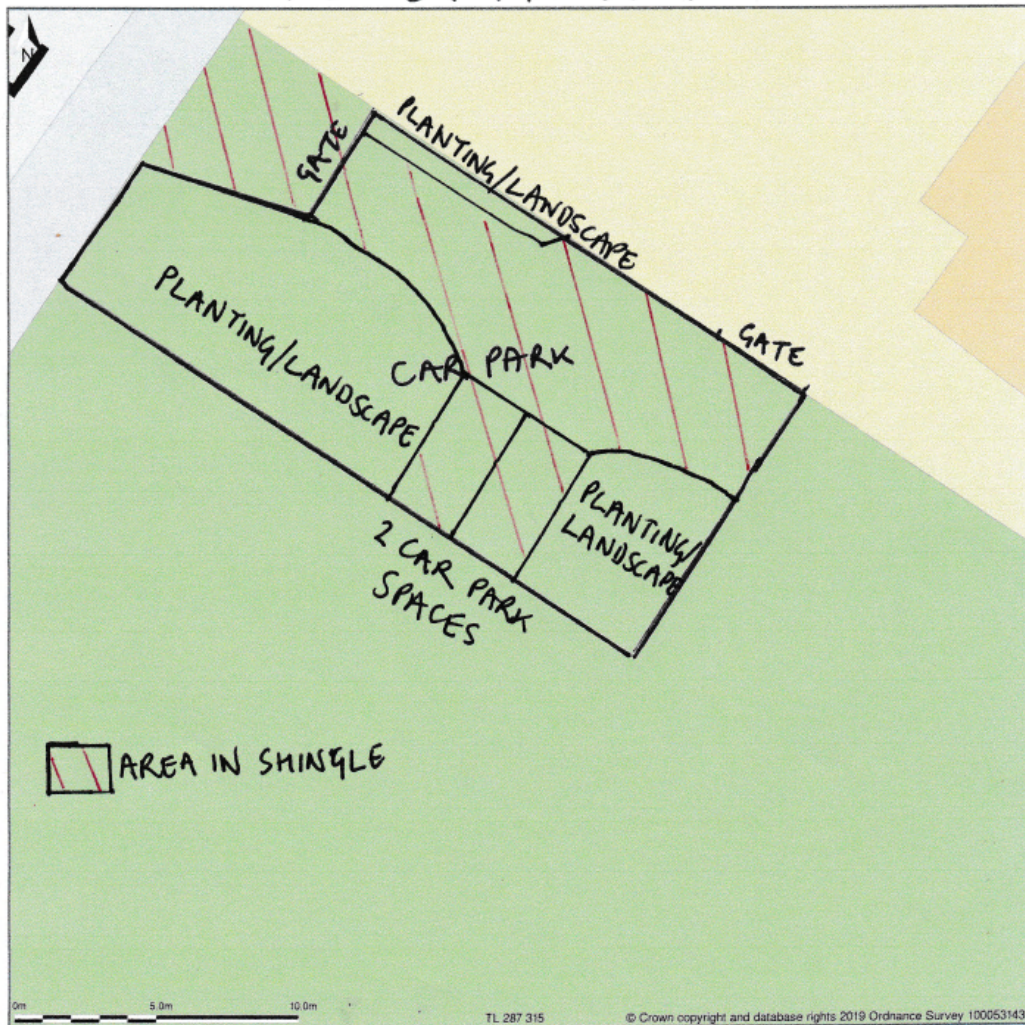


Item 5f

4/00718/19/FUL – CHANGE OF USE OF AGRICULTURAL LAND TO DOG WALKING PADDOCK WITH ASSOCIATED CAR PARKING AND VEHICLE CROSSOVER.

The Brambles, Flaunden Lane, Bovingdon, Hertfordshire, HP3 0PA

1:200 CAR PARK LOCATION



4/00718/19/FUL	Change of use from agricultural land to dog walking paddock with associated car parking and new vehicle crossover.	
Site Address:	Land South The Brambles, Flaunden Lane, Bovingdon	
Applicant/Agent:	Paddocks For Paws	
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Flaunden	

1. Recommendation

1.1 That planning permission be **GRANTED**.

2. Summary

2.1 This application seeks retrospective planning permission for a change of use from agricultural land to dog walking paddock with associated parking. A new vehicle crossover is proposed. It is proposed that the 2.7 acre field be used for dog owners to walk their dogs.

2.2 The site is located within the Green Belt wherein the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, are not inappropriate in the Green Belt – Para 145 of the NPPF.

2.3 The facilities and change of use would preserve the openness of the Green Belt by nature of the small car parking area being the only physical change to the site.

2.4 There would not be an adverse impact on neighbouring properties as a result of the proposals and satisfactory parking has been provided on site. The access to the development would not compromise highway safety. The design and form of the development would be in character with the area which is open and rural in appearance.

3. Site Description

3.1 The site is located on the eastern side of Flaunden Lane, 180 metres from the junction of Flaunden Lane and Chipperfield Road. The field was part of a local farm's orchard and contains fruit trees of some considerable age.

3.2 The land is adjacent to the dwelling "The Brambles" – the residents of this dwelling are operating the dog walking paddock.

- 3.3 The site is fully fenced and hedging has been planted to complement the fencing. The applicant has advised that the fencing and gate was constructed when the field was bought. The fencing is approx. 1.5 metres – 1.67 metres around the field depending on the slope of the land and 1.2 metres high between the owners land and the car parking area.
- 3.4 The nearest dwellings from the boundary of the field are some distance, the nearest being Southcoombe some 25m to the north. 1-18 Boundary Cottages, Maulischau and Longdene (facing onto Chipperfield Road) are 65-75m from the closest boundary of the field. The field is bounded by agricultural and business buildings at Greinan Farm to the east. The nearest dwellings to the west on the opposite side of Flaunden Lane (Copse Hill House, Hunter Lodge and Heathfield) are at least 100m distant from the boundary of the field.
- 3.5 The gate was constructed to allow access by UK Power Network who need access across the site.

4. Proposal

- 4.1 The application seeks retrospective planning permission for a change of use from agricultural land to dog walking paddock (the 2.7 acre field is being used for dog owners to walk their dogs) with associated parking. The changes to the car park are proposed and the new vehicle crossover is proposed.
- 4.2 The existing parking area is considered too large so it is proposed to return some of this area back to open land with adequate room for two vehicles to park and manoeuvre.
- 4.3 All dog walking sessions are pre-booked for a half-an-hour or hour slot. Dog walkers cannot turn up speculatively. The field is booked exclusively for the dog or dogs and their owners and the owners walk their own dogs. The average for January 2019 was 1.5 dogs per session booked.
- 4.4 The field is not lit. No walks take place before dawn nor after dark and no additional lighting is installed or proposed.
- 4.5 The reasons that people use a dog walking area include:
- dog owners have a safe and secure enclosed space for dogs to roam off a lead;
 - many countryside and park walks are intersected by roads or fields occupied by animals, making off-lead walking more difficult;
 - some dogs are aggressive with other dogs and some timid or nervous;
 - the benefits of the walking field is that it is a safe, controlled and enclosed space.

4.6 The proposed operating hours are 8am – 4pm weekdays and weekends in Winter and 8am – 6pm in the Summer.

5. Relevant Planning History

5.1 None for the subject site.

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

6.2 Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS9 - Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

6.3 Saved Policies of the Dacorum Borough Local Plan

Policy 13

7. Constraints

- Green Belt
- Area of Special Control for Adverts
- LHR Wind Turbine
- 10.7m AIR DIR LIMIT
- CIL2

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

8.2 These are summarised in Appendix B.

8.3 All members have received a copy of the document submitted in objection to

the proposal.

9. Considerations

9.1 Main Issues

- Policy and principle
- Impact on openness
- Impact on neighbours
- Impact on Highway safety and Parking Provision

Policy and Principle

9.2 The site is located within the Green Belt wherein the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, are not inappropriate in the Green Belt – Para 145 of the NPPF.

9.3 Policy CS5: Green Belt states that the Council will apply national Green Belt Policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

9.4 The application site is located within the green belt and the proposal will provide an outdoor recreation use and small parking area for those visiting the site. It is considered that the use and facilities will preserve the openness of the Green Belt.

Impact on Neighbours

9.5 As a result of local objection a Noise Report was submitted by the applicant. This assessment was carried out during the operation of the dog walking paddock between 25th July and 30th July, 2019. The owners dogs were kept inside during the operation of the dog walking paddock.

9.6 The Noise Assessment concluded that there should be no reason on the basis of noise that consent should not be granted for dog exercising in the paddock.

9.7 The Noise Pollution Officer has no objection to the development proceeding.

9.8 Operating hours and the total number of dogs allowed to use the paddock at any one time will be controlled via condition.

Impact on Highway safety and parking provision

9.9 The Highways Authority have no objections to the proposed use or the new vehicle cross over subject to suggested conditions.

Response to Neighbour comments

9.10 All those comments which are planning considerations have been addressed above. These include impact on openness, noise and highway safety.

10. Conclusions

10.1 The impacts of the proposal have been taken into consideration, along with representations received from consultees and the neighbouring properties. The proposal is considered acceptable in terms of impact on openness, neighbours and highway safety.

11. Recommendation – That planning permission be GRANTED for the reasons referred to above and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. The dog walking paddock shall only be open to customers between 8am – 4pm weekdays and weekends in Winter and 8am – 6pm in the Summer.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and to comply with CS12.

3. Within 4 months of this planning permission the vehicular access shall be provided, the construction of such works to be undertaken to the Highway Authority satisfaction and specification, and by a contractor who is authorised to work in the public highway. The vehicular access thereafter shall be retained at the position shown on the approved plan drawing number 1852-001_BOUND[2654] Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy Policy 12.

4. Within 4 months of this planning permission visibility splay (shown on the approved plan drawing number 1852-001_BOUND[2654]) measuring 2.4 x 66 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy Policy 12.

5. Within 4 months of the date of this planning permission any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards set

back and thereafter retained a minimum distance of 5.5 metres from the edge of the highway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy Policy 12.

6. The maximum number of dogs to use the approved dog walking paddock at any one time is 4.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and to comply with CS12.

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

location and site plan

visibility splays Drawing No. 1852-001_BOUND[2654]

proposed car parking area

Environmental Noise Survey Prepared by AAD Applied Acoustic Design on 4th September, 2019

Design and access statement revision A

CIL

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Informatives:

Informatives HCC as Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> by telephoning 0300 1234047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this

development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 Mud on highway

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Appendix A

Bovingdon Parish Council

Comments dated 25th October

If the Planning Officer confirms that this is an accepted use in the Green Belt, then we would ask that there is a time limit restriction between 10.30 - 15.30 , Monday to Friday and not weekends.

Comments dated 23rd April

Our Planning Committee met on 15 April and considered this application and their comments are as follows:

Object:

- no very special circumstances advanced for development;
- destroy openness of Green Belt;
- barn is too large;
- 7-day a week operation unacceptable;
- new entrance to car park is dangerous as on apex of curve in road;
- site is surrounded by housing on three sides;
- noise from dogs will disturb local residents;
- new car park unnecessary as sufficient car parking in front of property
- boundary fencing is not high enough
- contrary to DBC Policy CS11

If the Case Officer is minded to recommend acceptance of this application, then it is suggested that conditions should be attached to the approval. That is, restrict hours of operation from 10:30 to 15:30 Monday to Friday only; maximum of four dogs at any one time; not allow dog boarding and increase height of perimeter fence.

Noise Pollution Officer

Comments dated 9/12/19

The obligation is on the applicant to provide the noise assessment. If any assessment (regardless of any development site) does not come up to standard the obligation continues to sit with the applicant to demonstrate this is a sustainable development. We would only conduct our own noise survey if we were challenging the existing survey as grounds for objection and needed our own evidence.

If an objector is making an issue of the owners dogs being shut indoors during the noise survey I do struggle to understand how this might be fraudulent. The purpose of the noise assessment is to account for noise from the development being formed, and which may consider cumulative impact. From memory the diary evidence submitted by the objector showed very limited barking, and not in my opinion of a significant observed adverse effect level (SOAEL). I assume there has been no further evidence since the last submission.

Comments dated 2/10/19

I have no objection to the development proceeding.

This is based on the apparent frequency of dog barking, rather than the assessment of noise levels which I feel under-represents the change in sound levels when having considering dog barking is an impulsive noise event. However as the assessment indicates, barking from the use of the paddock are short-lived and sporadic events which are unlikely to result in significant impact.

Comments dated 27th May

Picking up on an earlier email from the Case Officer and that local residents have raised objection on noise grounds it would be reasonable to ask for a noise assessment to determine if the development is, or can be made acceptable. You can accept this latest email as a revision to any earlier comments which I believe may have recorded no obs on noise or AQ grounds.

I am not aware of ECP having received any complaints of noise nuisance arising from the use of the site, but I would certainly suggest that objectors are actively encouraged to file logs of noise disruption when considering the application. We can pick up a noise complaint re nuisance if residents wish to complain, but what I would want to highlight is that a noise assessment might not effectively characterise noise from the application site, i.e. how often and for how long noise persists. It would be useful to compare and contrast resident testimony against any noise report.

Comments dated 15th April

The site is proposed close to existing residential and there are some concerns of noise from the development proposal. I have read the supporting design and access statement and note that the applications would be content to accept a condition that restricts the number dogs that could be walked in any one session to no more than 4 (paragraph 1.21). I would advise this is secured as a condition against the development as well as condition on the hours as put forward of 08:00 – 16:00 weekdays and weekends in winter and 08:00 – 19:00 in British Summer Time (paragraph 1.20).

The reason reflects guidance contained in Policy CS32 - Policy CS32 – any development proposals which could cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or noxious substances, will not be permitted.

Highways

Comments dated 2nd December

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County

Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Subject to the conditions and informatives, the proposals are unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity.

Conditions

Con1) Within 4 months of consent the vehicular access shall be provided, the construction of such works to be undertaken to the Highway Authority satisfaction and specification, and by a contractor who is authorised to work in the public highway. The vehicular access thereafter shall be retained at the position shown on the approved plan drawing number 1852-001_BOUND[2654] Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Con2) Within 4 months of consent a visibility splay (shown on the approved plan drawing number 1852-001_BOUND[2654]) measuring 2.4 x 66 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Con3) Within 4 months of consent of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards set back and thereafter retained a minimum distance of 5.5 metres from the edge of the highway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> by telephoning 0300 1234047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this

development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 Mud on highway

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Comment / Analysis The proposals consist of a change of use from agricultural use to Dog Walking Paddock (sui generis use class) with associated car parking (retrospective) and a new proposed vehicle cross over and erection of new, open timber barn The site is situated on Flaunden Lane which is an unnumbered classified road and provides a local access function within the road hierarchy; it is subject to a 40mph speed limit. The Highway Authority has commented previously on a similar application and the remarks remain the same as follows: The proposals are retrospective and include a new vehicle crossover. The existing access from Flaunden Lane to a car parking area is over a standard kerb. The applicant should note that driving up over a kerb / verge is an offence which the HA has powers to enforce. I further note that the access is gated this needs to be built in accordance with the Highway Authority standards and specification as seen in the condition above. Subject to the conditions and informatives, the proposals are unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity

Comments dated 1st October

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Comment / Analysis

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Appendix B

Comments received from local residents:

One large document already circulated to members and also appended to this document. There is a total of 2 objections to this application.

2 neighbour objections

- The fence is only 4ft high – this will not contain large or aggressive dogs. Fencing needs to be a minimum of 1.5 metres high increasing to 2 metres.
- Solar Lanterns have been placed, from time to time, on the fences nearest to Flaunden Lane;
- The applicant has dogs which bark when dogs visit the paddock creating a cacophony of noisy barking;
- The noise report is misleading, unreliable and most probably significantly understated;
- The statistics provided are meaningless;
- Car parking area is a destruction of Green Belt;
- The barn is a destruction of Green Belt;
- No need for a large barn;
- Vehicle cross over is a blind exit;
- Opening times are unacceptable as they don't take into account the noise or nuisance;
- Flaunden Lane is a busy rat run and cars leaving the site cannot see far enough; and
- Traffic congestion.

3 emails of support

As a neighbour within 250 meters of this property I very much support this application as the work done so far has been exemplary and has greatly improved the vista and view of this part of Flaunden Lane.

The attention to detail and care that has been taken is second to none. It would also appear that all reasonable care has been taken as to not inconvenience the local neighbours.

With this level of care and attention then I could only hope that planning is granted as we need more neighbours like this that really care about the countryside and how it looks.

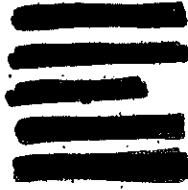
I support this application. The incumbents have improved the property immeasurably.

My only reservation is that the timber barn should not be used for housing dogs and that noise during unsocial hours be restricted.

We support this application. Much improved view from the lane and there has been no nuisance whatsoever (there are so many dogs around here anyway - we regularly

hear a dog barking after 10pm from bedroom - nothing to do with this dog walking paddock). Good use of the land and these changes do not impact on the Greenbelt in our view.

Good luck with the new venture.



Ms Elspeth Palmer
Planning Case Officer
Planning and Regeneration
Dacorum Borough Council
The Forum
Marlowes
Hemel Hempstead HP1 1DN

5th October 2019

Your Ref: 400718/19/FUL

Dear Sirs

Change of use from agricultural land to dog walking paddock with associated car parking (retrospective) and new vehicle crossover and construction of new timber barn at land south the Brambles, Flaunden Lane, Bovington HP3 0PA.

Applicant: Paddock for Paws

Conclusion

1 The evidence set out below shows that all the applications included in 4/00718/19/FUL should fail and change of usage be denied. The Applicant has ignored existing laws regarding Health and Safety, Environmental Protection, Advertising and Green Belt Planning protection provisions. Enforcement action by Dacorum Borough Council has been necessary on a number of occasions after the first Planning Application was submitted in April 2019.

2 The Applicant has from the start of business in June 2018 attempted to circumvent as many laws, rules and regulations as possible. The first Planning Application was only submitted in April 2019 after a complaint and instructions from Dacorum Borough Council. This pattern of avoidance, circumvention and disregard for laws and regulations has continued. There is little reason to believe the behaviour will change should Planning Permission be granted.

3 The Applicant has not kept within the agreed limits of dog numbers and timings with Dacorum Borough Council.

4 The Committee should follow their earlier decisions regarding land off Flaunden Lane and deny change of usage.

5 The Applicant has allegedly attempted to hoodwink the Planning Committee by submitting an improper acoustic report which necessitates the Committee setting aside the application for Planning Permission for change of usage as it forms a substantial part of the application.

Response

I write with reference to the above revised applications of September 2019 and note the application to construct a timber barn has been withdrawn. I refer to my letter dated 24th April 2019 and continue to object to the proposals as set out in the revised Applications listed above under reference 400718/19/FUL.

I set out below my arguments and adopt the numbering used by DCPL:-

1.1 Paddock for Paws at HP3 OPA has no legal standing and none can be found. It is therefore barred from making such applications. There is no record of it at Companies House.

1.3 [REDACTED] own the land seeking planning. They claim, 'The owners were unaware their proposals required planning permission'. This is an absurd statement. In 2012 [REDACTED] lodged an application for change of usage No 4/02021/12/FUL for Green Belt agricultural land for a new house for [REDACTED]. This application was defended by local residents, including [REDACTED]. The Ten Oaks application as amended by [REDACTED] was ultimately rejected, after much professional argument, by Dacorum Borough Council and the new development was not permitted to be built on Green Belt land.

[REDACTED] were part of the local resident group contesting the application [REDACTED] to be granted change of usage. Correspondence of 31st March 2014 is attached which shows [REDACTED] were recipients of correspondence relating to this matter. Appendix 1 & 2. The Brambles is about 100m from [REDACTED].

Ignorance of the planning rules is not an acceptable excuse and in this case is demonstrably misconceived.

1.5 The fence installed is only 4ft high. See Appendix 3. This is below acceptable levels as large dogs can easily jump such a fence. See Appendix 4. The Animal Boarding Establishments Act 1963, Licence Conditions for Home Boarding of Dogs requires fencing of a minimum height of 1.5 metres increasing to 2 metres or 5 feet to 6.5 feet respectively.

1.6 There are other houses which continue to go unmentioned.

1.9 The statistics provided are outdated. The figures are likely to have risen as intensive marketing has taken place. [REDACTED] have ignored the fact that Flaunden Lane is in an Area of Special Advertising Control Order and have placed advertising material for Paddock for Paws over the field gate in Flaunden Lane. The Dacorum Borough Council ordered the activity to stop. Advertising material has since been placed on one of their cars and parked tightly against the field gate to circumvent the order to cease advertising in Flaunden Lane. An advertising board is now in

use in the lane. See Appendix 5. They are also on the internet at www.paddockforpaws.com. See Appendix 6.

1.10 Solar lanterns are placed, from time to time, on the fences nearest to Flaunden Lane.

1.11 The Booking System does not prevent substantial noise. [REDACTED] have three dogs and sometimes four which are prone to barking at the slightest provocation. See Appendix 7 This means that when one dog visits the Field at least four dogs bark on most occasions releasing a cacophony of noisy barking.

1.12 The admission that some dogs are *aggressive* is noteworthy. As a resident living within 100m of the Field I do not want *aggressive* dogs permitted to use the Field with the possibility of inadequate fencing.

1.13 The statement '*The dog walking field is not intended to be used for dog training or dog classes of any kind*'. This is an *intention* not an *undertaking*. This *intention* will change if sufficient inducement is forthcoming and considerable marketing is taking place to increase business.

1.14 There are no benefits to other local residents to be had from allowing planning consent. It is a purely cynical commercial venture damaging the current peaceful environment. Property values of houses in the immediate vicinity might be impacted if the activity is allowed to operate a dawn to dusk business seven days a week. Any proven loss would be the Council's liability.

1.15 The fencing is of the incorrect height.

1.16 The Car Parking Area is destruction of Green Belt land and planning should be refused and the land restored, even taking into consideration the latest proposal. The precedent for refusal is the decision of the Council regarding the multiple applications by [REDACTED] from 2012 per para 1.3. There are no very special circumstances sufficient to overcome the presumption against such a development.

1.17 The withdrawal of the application of a timber barn is welcomed.

1.18 Planning for the Vehicle Cross Over should be refused. This is a blind exit. It might be acceptable for the UK Power Networks and their vehicles. They would be assisted by their staff to halt the Flaunden Lane traffic if necessary.

Vehicles have accessed The Brambles for more than a year and there has been no necessity for an extra gate. The revised proposal is for two car spaces only reducing the argument further for an additional gate.

1.19 The proposed opening times are totally unacceptable which they breach requiring enforcement action by Dacorum Borough Council. They show little consideration for the nuisance and noise the local residents suffer. The Applicant is seeking 8am to 4pm in Winter and 8am to 7pm

In Summer. This is excessive. No dates have been given when the Applicant believes Summer and Winter start and end.

They have taken no account of the recommendations of the Bovingdon Parish Council of:-

10.30 am to 15.30 Monday to Friday only with no weekend operation Appendix 8

and what other authorities have granted:-

Guildford BC for Green Lane: *'The use hereby permitted shall not operate other than between the hours of 09.00 and 15.30 hrs Mondays to Fridays and not at all on Saturdays, Sundays or Bank or National holidays'*.

See Appendix 9

East Herts for Chaseways, Sawbridge: *'The use hereby permitted shall be limited to the hours of 10.30am to 15.30pm and at no other times*

See Appendix 10

North Warks BC for Great Chapel Field: Both applications failed. Firstly *'barking dogs can be a general nuisance in many situations and the residents' own dogs (where they have one) will no doubt bark when strangers approach the property'* and *'found the development to be not appropriate and that it would preserve the openness of this part of the Green Belt'*

See Appendix 11.

1.20 The suggestion that the number of dogs be limited to 4 at any one session is unacceptable. This limit has been breached from time to time requiring enforcement action by the Council. [REDACTED] have 3 dogs of their own and occasionally their daughter leaves her dog with them. This would mean there could be eight dogs barking creating a general nuisance. See the reasons why North Warks BC rejected the application at Great Chapel Field.

2 Recent Planning History

2.3 The applicant fails to mention that times were severely restricted. See 1.20

2.4 The Applicant again fails to mention the restricted operating times including no use on Weekends and Public Holidays. See 1.20

2.5 The application failed due to the nuisance dogs caused and the lack of *'openness'*. It must be remembered the [REDACTED] have 3 dogs and at times possibly four and not one as per the failed application.

Summary

2.6 There is not a body of opinion as the Applicant has only produced two planning decisions in favour and one against the use of Green Belt Fields for dog training and walking. In the two decisions in favour the times the fields could be used were severely restricted.

2.7 The Applicant omits continuously to inform the Council that [REDACTED] have three noisy dogs of their own and possibly four from time to time.

3 Proposals and Planning Issues

3.2 Irrelevant as proposals relate to Green Belt land

3.3 Irrelevant as proposals relate to Green Belt land

3.5 Only two examples support the Application. This is a very limited sample. The Councils granting planning have been exceptionally strict with regard to the times the fields may be used. The third example failed on the grounds of nuisance and noise.

3.6 The withdrawal of the application for barn is welcomed.

3.7 The dog agility equipment can be housed at The Brambles as it is currently done.

3.8 The Applicant fails to recognise that they have three dogs of their own, possibly four, and an addition of four more equates to the numbers of a dog training class. Figures provided for the cold winter months will always be lower than in the warmer months of the year and are no indication of possible noise and nuisance.

3.9 The Applicant has again ignored the fact that [REDACTED] have three noisy dogs of their own.

3.10 The average figures of 3 visits a day is an unreliable number taken from a small sample in the coldest months of the year. see para 1.9. This figure would be expected to increase substantially as marketing efforts are ongoing, see para 1.9 and the consequent noise and nuisance would rise accordingly.

Noise Report

3.11 The Noise Report is misleading, unreliable and most probably significantly understated.

The Applicant was asked by the Council to provide a Noise Report, at her expense, and therefore she had full control of all aspects of the survey. The Author of the report records he relied on [REDACTED] notes when annotating the charts. The Applicant needed the survey to conclude that there

was little noise impact otherwise planning approval was unlikely to be granted. This it did under her control and management.

The acoustic survey took place over a five-day period in midsummer – Thursday 25th July to Tuesday 30th July 2019. Not Friday 30th as reported. Appendix 12

The report Author does not record how many dogs [REDACTED] had on site. He also fails to record how many visits were made to the site during the survey. This is a vital omission.

The survey shows only two occasions of dog barking by visiting dogs allegedly caused a nuisance. These were at about 13.00hrs on Friday 26th July and 09.00hrs on Sunday 28th July 2019. The Author records he relied on [REDACTED] notes when annotating the graphs. There are some noteworthy periods of no barking activity. They are: -

	Hours
Thursday 25 th July	15.00 to 17.00
Friday 26 th	14.00 to 17.00
Saturday 27 th	10.00 to 16.45
	17.00 to 19.00
Sunday 28 th	11.00 to 15.00
	15.30 to 19.00
Monday 29 th	08.00 to 15.00

The times shown in red suggest something unusual was taking place as there is virtually no dog barking from any source from Saturday 27th at 10.00hrs until at 15.00hrs on Monday 29th July. It is alleged that the Applicant's dogs were not at The Brambles during this period and no appointments were accepted for dog walkers.

There are numerous green spikes which are recorded as local dogs barking. The Author has failed to comprehend that the complaint is not against visiting dogs alone but the combination of the Applicant's dogs and visiting dogs. To rely on your client to provide the definitive data for the survey in such a way flaws this report and makes the conclusions unreliable and suspect.

There are significant periods during the day when the recordings show there were no dogs barking at all. The long gaps during the day in no dog barking are highly relevant as they indicate that the field was not being used by dog walkers and [REDACTED] dogs were unlikely to be in residence. I attach a Dacorum Nuisance Diary for days in April 2019 illustrating the disturbance noise I suffered from visiting dogs and the [REDACTED]. The Nuisance Diary I completed records more frequent visits than the two occasions over five days of the Noise Report of visiting dogs. The huge fall in site visits lacks all credibility and indicates the possibility that the number of permitted visits was carefully controlled and reduced to the site during the noise survey. See Appendix 13

The Author of the report has not produced [REDACTED] notes he relies on nor a Dog Walking Bookings schedule for the period covered by the survey. The lack of such basic data further undermines the integrity of the report.

On 5th August 2019 I spoke and exchanged emails with Ms Elspeth Palmer, the Planning Case Officer, for this application. Ms Palmer mentioned to me she was waiting for a noise report from [REDACTED]. In an email I wrote:-

I expect the findings of the report to be well within limits. [REDACTED] and I have been aware that the [REDACTED] three dogs have not been in residence recently and the barking levels have been reduced. I suggest you treat this report with suspicion! See Appendix 14

The hourly time data above confirms my suspicions I expressed to Ms Palmer. The Author of the report concludes *given the subjective assessment of noise brought to site for exercising there should be no reason on the basis of noise that consent should not be granted.* I suggest no recognised statistician would come to such a conclusion given the size of the sample, the nature and reliability of the data and the possibility of manipulation, especially because of the large period of no dog barking on 27th, 28th and 29th July 2019.

I allege the only conclusion to be drawn about this Noise Report is that the results have been heavily manipulated by the Applicant and is grossly misleading and flawed for the reasons mentioned above. This is not a true picture of what takes place on a daily basis and never could be as the Applicant had overall control as she was the client of Applied Acoustic Design.

Car Parking and Access

3.12 Two cars can easily park at The Brambles. There is no need to destroy Green Belt land. There are no *very special circumstances* to allow such planning approval.

3.13 These numbers are based on unreliable figures and likely to be much higher. The figures are outdated and should have been revised. Flaunden Lane is mostly a single-track road and any increase in traffic should be avoided. In the mornings and evenings it is a 'rat run' and highly congested.

One undeniable and undisputable part of the Noise Report shows (black lines) the ambient noise from motor vehicles using Flaunden Lane during the five day period. The chart on page 8 of the report has very few periods, even late at night, that Flaunden Lane is not being used. During the day the black lines are almost solid illustrating high traffic density, Appendix 12

In possession of this new additional information from the Noise Report an access point should not be granted planning permission.

3.14 This requested Planning Permission is unnecessary and dangerous as shown above.

4 Applicant Conclusions

4.1 No account is taken of the noise and nuisance this activity is causing. The Noise Report has been produced under unsatisfactory conditions controlled and paid for by the Applicant and is highly suspect.

4.4 There has been considerable difficulties with the management and candour of the Applicant which has required enforcement action by Dacorum Borough Council on a number of occasions.

4.5 The Applicant acknowledges the dog walking causes noise.

4.6 The data used is obsolete and the number of visits is much greater now. The Applicant is advertising aggressively to increase turnover.

4.7 The Noise Report is flawed by the Applicant having control of the data and timing.

4.8 The proposals should not be supported.

Further Argument Against the Proposals

A Paddock for Paws application for permission to use the Green Belt land field in Flaunden Lane is not completely candid. The Applicant fails to mention she has three dogs of her own. She also fails to mention she looks after her daughter's dog from time to time. There have also been occasions when the number of visiting dogs has exceeded the maximum of four requiring enforcement action by Dacorum Borough Council. Appendix 15

These omissions from the application change everything to do with the use of the field application.

A.1 The number of dogs at The Brambles at any one time increase from three upwards, possibly four, to a proposed maximum of eight, if the limit is enforced.

A.2 The noise levels from barking dogs and the consequent nuisance increases

A.3 The traffic flow in Flaunden Lane will increase.

A.4 The attempt to convince the Committee that the application was for a low-level business is flawed.

A.5 The fencing of the field and The Brambles must comply with the Animal Boarding Act, which it currently does not.

A.6 There are other issues such as cleanliness regarding the disposal of dog faeces. The Enforcement Department of Dacorum Borough Council were required to take action against the method the Applicant was adopting after numerous denials of wrongdoing. Appendix 16

B Local Dogs

B.1 Opposite The Brambles there are four houses. Longmeadow, Heathfield, The Coach House and Hunters Lodge and between them they have five dogs.

B.2 The dogs are normally very peaceful and do not bark much. They naturally bark whenever a person or vehicle comes up the drive or are disturbed.

B.3 The four houses are about 20ft above the height of the field. As sound travels upwards and outwards the dog barking at The Brambles is easily heard and the resident dogs respond if out in their respective gardens. This just increases the nuisance a successful application would impose on the immediate neighbourhood. There is no reason why we should be forced to suffer from the additional burden of imported dogs to the vicinity for the Applicant's financial gain.

B.4 There are other dogs in the area but the numbers are uncertain.

B.5 Veterinary Bills are expensive and there is no mention of the dogs walking on the field will be scrutinised by Paddock for Paws before being allowed to use the field. There is a concern that neighbours' dogs might be infected by an unhealthy visitor to the field. see para C below

C Health and Safety

C.1 It has been reported by the Federation of Companion Animal Veterinary Associations that the UK dog and cat populations are losing their 'herd immunity'. The body cites figures that 25% of dogs (roughly 2.2million) no longer receive a primary course of vaccinations. A rise from 20% in 2011.

C.2 Low pet vaccination rates pose a risk to humans in the form of zoonotic diseases – those that can be passed from animal to humans – such as leptospirosis, which becomes Weil's disease in humans. See Appendix 17

C.3 The Environmental Protection Act 1990, section 34, all waste from their premises must be disposed of without harm to human health or the environment. Dog faeces can lead to Toxocarasis in humans. Enforcement action has been necessary by the Dacorum Borough Council with regard to the handling of faeces by the Applicant. This has not always complied with See Appendix 16

D Noise from Children and Adults

D.1 The Applicant has indicated an intention to limit the number of dogs using the field at any one time. There is no mention of limiting the number of children and adults per visit. Excitable children and adults can make as much noise as dogs. For example calling a dog to return by whistle or shouting is very noisy.

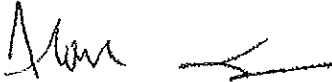
D.2 The Environmental Protection Act 1990 deals with statutory nuisance. The onus is on the landowner to ensure the risk of nuisance is minimised. This has not been done.

E Bovington Parish Council

E.1 The Bovington Parish Council – Planning Committee met on Monday 15th April 2019 and considered the application for *change of use* for the land south of The Brambles. The Committee unanimously decided the application for change of usage should be rejected on all counts. See Appendix 8

I trust the Dacorum Council Planning Committee will follow the decision of the Bovington Parish Council and reject this planning application.

Yours faithfully



AC Wrigley

Date: 4th September 2019

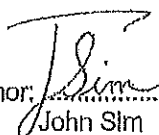
Ref: 19231/001/js

AAD
applied
acoustic
design

**THE BRAMBLES, FLAUNDEN LANE
BOVINGDON, HP3 0PA**

**ENVIRONMENTAL NOISE SURVEY
WITH RESPECT TO
DOGS BARKING DURING EXERCISE**

Client: Ms Lynne Marks

Report Author: 

John Sim
Associate

Approved By: 

Phillip Wash
Director

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Expert Witness
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The Brambles, HP3 OPA
Noise from Dogs Barking

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Figure 1: Site plan and survey locations

Figure 2: Measured $L_{Aeq, 1 \text{ min}}$ and $L_{Amax, fast, 1 \text{ min}}$ data

Appendix: Glossary of Terms

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1.0 Introduction

- 1.1 Ms Marks the occupier of "The Brambles", Flaunden Lane, Bovington, HP3 0PA near Hemel Hempstead has made available, for hire, a paddock adjacent to her property for dog walking. The intent is twofold, to provide a safe enclosed area for dogs which are nervous around other dogs or around people to be exercised and the second is to provide an area for professional dog walkers to exercise dogs in their charge.
- 1.2 The use of the pasture has been brought to the attention of the local planning authority, Dacorum Borough Council, with a nearby neighbour complaining of noise from dogs barking whilst being exercised. As a consequence Dacorum have indicated that planning consent is required for the use of the paddock for the exercising of dogs.
- 1.3 As part of an application for planning consent Dacorum have requested that a noise impact assessment be made of the noise from the dogs barking as it might affect nearby noise sensitive properties. As a consequence, Ms Marks has employed Applied Acoustic Design (AAD) to undertake such a noise assessment.
- 1.4 This report sets out the results of an environmental noise survey carried out at the site and relates the measured noise levels to a contemporaneous diary of events kept by Ms Marks. This report also comments on the likely effect of the measured noise levels with respect of noise sensitive premises having regard to the existing noise environment around the development site.

2.0 Site Description

- 2.1 The area of the pasture is rural in nature with residential properties in small discrete groups. Although rural in nature it is understood that Flaunden Lane is often used as a "rat run" by commuters both during the morning and evening rush hour periods. The paddock used for dog exercising is to the south and west of The Brambles and there is one other residential property on the same side of the road to the north of The Brambles with a small enclave of properties on the opposite side of the road to the west of the site.
- 2.2 To the south of the site there are a number of residential properties fronting on to Chipperfield Road, to the south west there is a garden centre, accessed off Chipperfield Road, and to the east there is a number of industrial units including a vehicle repair workshop and also stables with exercise yards.
- 2.3 A site location plan is attached as Figure 1.

3.0 Survey Details

- 3.1 Instrumentation: Measurements were made using an NTI XL2 Class 1 integrating real time noise analyser with continuous audio recording. The instrument was field calibrated checked both immediately prior to the commencement of the survey, and also upon completion. No calibration drift was recorded.
- 3.2 Location: The microphone was attached to a fence post at a height of approximately 1.5 m above local ground height at the boundary of the hardstanding area used for car

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parking and the paddock used to exercise the dogs. The measurement location is indicated in Figure 1.

3.3 Period: Monitoring was continuous from approximately 08:47 on Thursday 25th July to approximately 08:05 on Friday 30th July 2019. The instrument was set up to monitor noise levels continuously in fifteen-minute intervals and 1 minute time histories. The displayed data covers the entire period recorded.

Tuesday

3.4 Weather: The prevailing weather conditions during the survey were dry with a light to very light wind.

3.5 Site Noise Characteristics: Background and ambient noise levels were controlled by road traffic on adjacent and nearby roads.

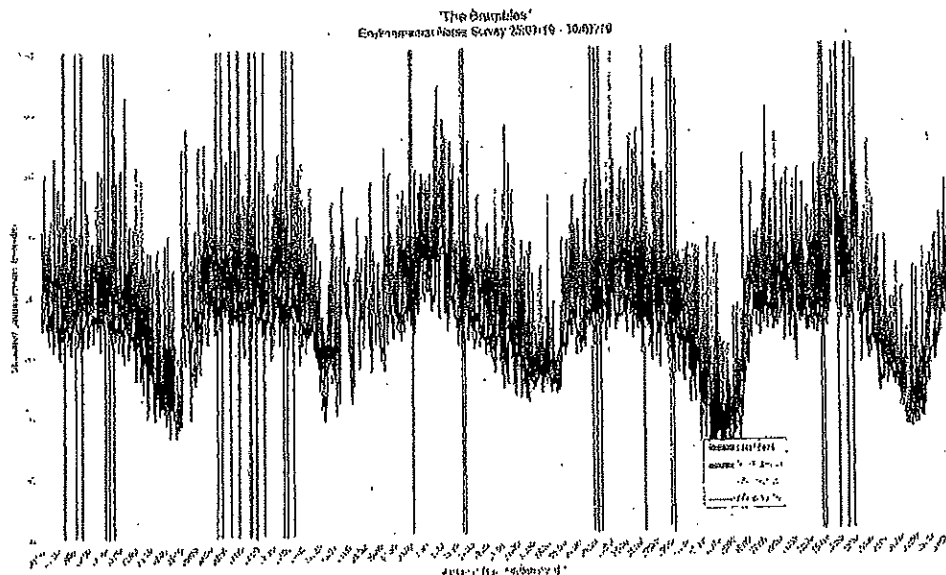
3.6 Surveyor:

Phillip Wash MIOA

4.0 Survey Results

4.1 The measured $L_{Aeq, 1min}$ data at the measurement location is presented in graphical format in Figure 2 which is replicated below in a smaller size. A glossary of acoustic terminology is attached as an Appendix.

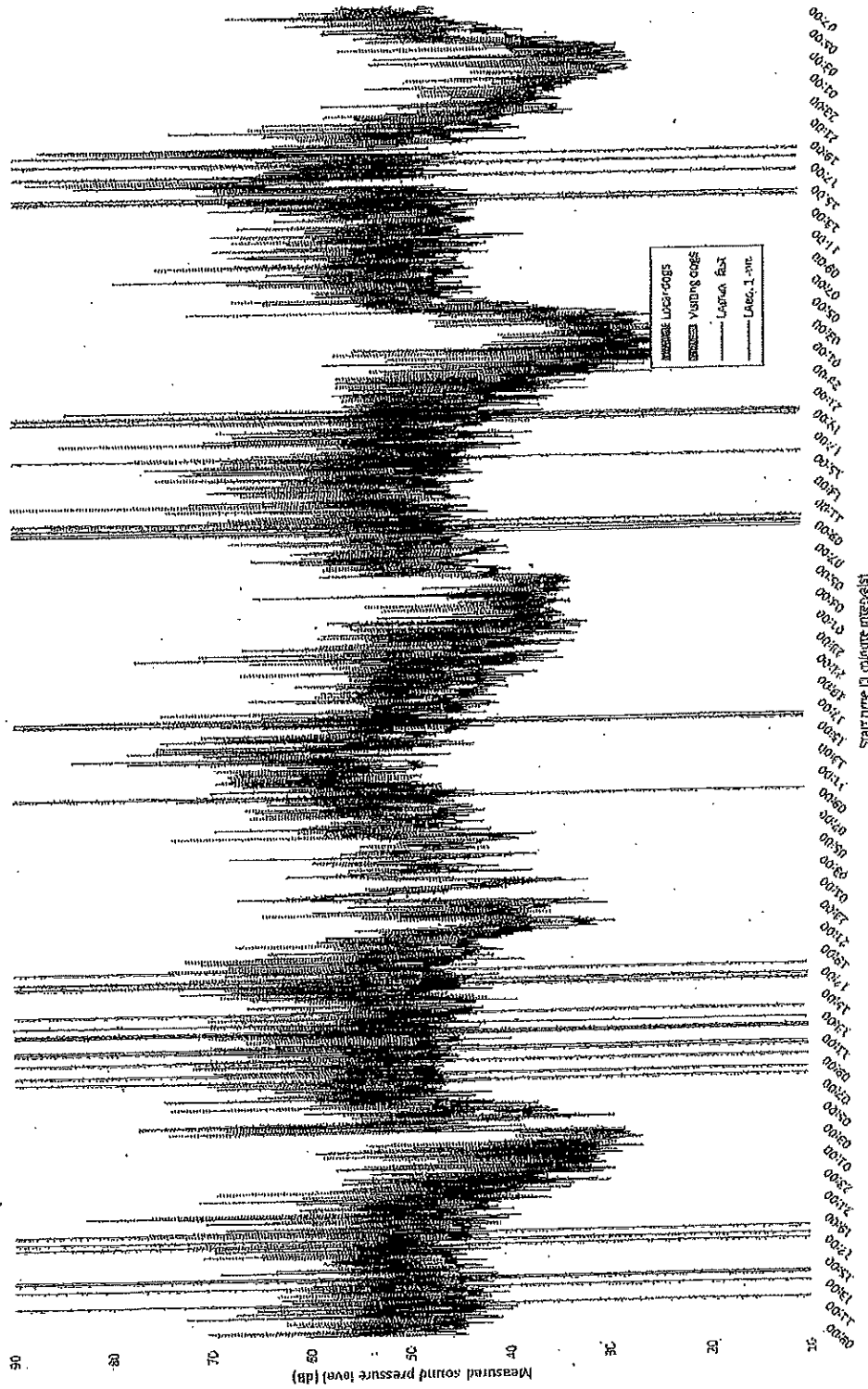
Graphic 1: Measured noise levels



4.2 Based upon the notes made by Ms Marks the chart has been annotated in green for those periods when local dogs were barking (dogs in The Brambles and dogs in the adjacent property and properties on the opposite side of the road from the site) and, marked in red, periods when dogs brought to site to be walked on the application site barked.

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Figure 2: Measured $L_{Aeq, 1min}$ and $L_{Amax, fast, 1min}$ data



"The Brambles"
Environmental Noise Survey 25/07/19 - 30/07/19

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5.0 Noise Criterion

- 5.1 There is no agreed noise assessment procedure with respect of noise from dogs barking. From research, with respect of planning applications for boarding kennels, a number of different methods have been used.
- 5.2 Reference has been made to British Standard BS4142:2014 (as amended) in some planning applications for boarding kennels but all have also stated that, although referenced, the scope of the standard clearly states at 1.3 e on page 1 "*The standard is not intended to be applied to the rating and assessment of sound from:.....e) domestic animals;*".
- 5.3 It must also be acknowledged that a boarding kennel use is a far more intensive use than the hiring out of a paddock on an individual basis for walking dogs. It is therefore considered that the use of BS4142, both by reference to the standard itself and by comparison of the use applied for compared to a boarding kennel, that a BS4142 assessment is not appropriate.
- 5.4 The National Planning Policy Framework (NPPF) revoked the previously used planning and noise guidance set out in the planning policy document PPG 24. However, NPPF sets out that "*the policies in the Local Plan (and the London Plan) should not be considered out-of-date simply because they were adopted prior to the publication of this Framework*".
- 5.2 Existing Local Plan policies were based on consideration of PPG24 and therefore, on the basis of the comment above, it is clear that such guidance is still extant.
- 5.3 The DEFRA Noise Policy Statement for England (NPSE) is referred to in the NPPF and this sets out that government policy is to "*avoid significant adverse impacts on health and quality of life*" due to noise. Reference is made in the NPSE to SOAEL or "*Significant Observed Adverse Effect Level*", this being "*the level above which significant adverse effects on health and quality of life occur*".
- 5.4 The NPSE also comments that "*it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times*".
- 5.5 It is clear that consideration of acceptable levels of noise cannot include "*in-audibility*" as the standard set out in NPSE is one which would avoid "*significant adverse impact*" i.e. some level of impact on residents due to noise is acceptable.
- 5.6 Consideration must be given therefore to deriving a scheme to determine the likely impact on residential amenity of any increase in noise level from dogs barking in the paddock area should planning consent be granted.
- 5.7 A scheme for determining the likely impact of noise from a new development is set out in the *Guidelines for Environmental Noise Impact Assessment* published by the Institute of Environmental Management & Assessment. This guide contains a scheme for assessing the likely impact on amenity of noise from a development proposal. Although the guide is mostly concerned with the impact of major infrastructure development; inference can be taken from the assessment procedure for other sources of noise.

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- 5.8 The scheme considers the difference between the existing and new noise sources, any increases in noise levels due to the development proposal and if there are a greater number of noise events. Consideration of the effect on residential amenity should consider if there is likely to be any increase in noise levels.
- 5.9 The guidelines set out example categories of noise impact based on the likely change in noise levels due to a development proposal. The example impact categories are as set out below;

Table 1: IEMA Noise Impact Effect Descriptors

Impact Effect Descriptor	Change in Noise Level
Very Substantial	Greater than 10dB L_{Aeq} change in sound level perceived at a receptor of great sensitivity to noise
Substantial	Greater than 5dB L_{Aeq} change in sound level at a noise sensitive receptor, or 5 to 9.9 dB L_{Aeq} change in sound level at a receptor of great sensitivity to noise
Moderate	A 3 to 4.9dB L_{Aeq} change in sound level at a sensitive or highly sensitive noise receptor, or a greater than 5dB L_{Aeq} change in sound level at a receptor of some sensitivity
Slight	A 3 to 4.9dB L_{Aeq} change in sound level at a receptor of some sensitivity
None/Not significant	A less than 2.9dB L_{Aeq} change in sound level and/or all receptors are of negligible sensitivity to noise or marginal to the zone of influence of the proposals

- 5.10 Given the NPSE guidance that noise from a development should not give rise to significant adverse effects this would be likely to allow noise levels to increase to at least the "slight impact" categories. No time period over which the noise level is averaged is given in the guidance however, for a worst case, it has been taken that the assessment time period is one hour (such a noise assessment period is in line with the guidance given in BS4142).
- 5.11 Given the above, it is considered that the basis for determining if any noise impact is acceptable is that there should be no more than 4.9 dB increase in the $L_{Aeq, 1 hr}$ noise level.
- 5.12 Based on the guidance described above, such a noise criterion would equate to there being no more than a "slight" impact on residential amenity. Such a criterion is within the guidance set out under NPPF and NPSE.

6.0 Measured Noise Levels

- 6.1 Based upon the measured noise levels the calculated impact of noise from dogs brought to site to be exercised in the paddock is as shown below;

Table 2: Calculated noise levels

Condition	Calculated Noise Level
a) Typical ambient noise level (ALL dogs)	51 dB $L_{Aeq, 1hr}$
b) Typical ambient noise level (NO exercise dogs)	51 dB $L_{Aeq, 1hr}$
c) Worst case noise level with exercise dogs	53 dB $L_{Aeq, 1hr}$

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Decibel, dB	A unit of level derived from the logarithm of the ratio between the value of a quantity and a reference value. For sound pressure level (L_p) the reference quantity is 2×10^{-5} N/m ² . The sound pressure level existing when microphone measured pressure is 2×10^{-9} N/m ² is 0 dB, the threshold of hearing.
L	Instantaneous value of Sound Pressure Level (L_p) or Sound Power Level (L_w).
Frequency	Number of cycles per second, measured in hertz (Hz), related to sound pitch.
A weighting	Arithmetic corrections applied to values of L_p according to frequency. When logarithmically summed for all frequencies, the resulting single "A weighted value" becomes comparable with other such values from which a comparative loudness judgement can be made, then, without knowledge of frequency content of the source.
$L_{eq,T}$	Equivalent continuous level of sound pressure which, if it actually existed for the integration time period T of the measurement, would possess the same energy as the constantly varying values of L_p actually measured.
$L_{Aeq,T}$	Equivalent continuous level of A weighted sound pressure which, if it actually existed for the integration time period, T, of the measurement would possess the same energy as the constantly varying values of L_p actually measured.
$L_{n,T}$	L_p which was exceeded for n% of time, T.
$L_{An,T}$	Level in dBA which was exceeded for n% of time, T.
$L_{max,T}$	The instantaneous maximum sound pressure level which occurred during time, T.
$L_{Amax,T}$	The instantaneous maximum A weighted sound pressure level which occurred during time, T.
Background Noise Level	The value of $L_{A90,T}$, ref. BS4142:2014.
Specific Noise Level	The value of $L_{Aeq,T}$ at the assessment position produced by the specific noise source, ref. BS4142:2014.
Ratling Level	The specific noise level, corrected to account for any characteristic features of the noise, by adding a 5 dBA penalty for any tonal, impulsive or irregular qualities, ref. BS4142:2014.
Specific Noise Source	The noise source under consideration when assessing the likelihood of complaint.
Assessment Position	Unless otherwise noted, is a point at 1m from the facade of the nearest affected sensitive property.



Job ref: 191/ The Brambles Rev A

Design and Access and Planning Statement

For Paddock for Paws

**Field to the South-west of The Brambles, Flaunden Lane, Bovington,
HP3 0PA**

**Change of Use from agricultural use to Dog Walking Paddock (sui generis use
class) with associated car parking (retrospective) and a new proposed vehicle
cross over.**

September 2019

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1. Introduction



Photo 1- Aerial view of application site-former agricultural field next to the Brambles-red line is approximate

- 11 This Planning Statement supports a planning submission to Dacorum District Council on behalf of Paddock for Paws for a change of use of a 2.7 acre field from agricultural use to a dog walking field. The application contains a retrospective element (the use of the land and the car parking area) and a new proposal for a new access and vehicle cross-over.
- 12 The proposal is for a change of use of the field, and creation of a parking area close to Flaunden road. This is a retrospective application. A new vehicle crossover is proposed.

- 13 The Paddock for Paws business has been running since June 2018 and this the use of the site and car parking area forms a retrospective application. The owners were unaware their proposals required planning permission. The Council's enforcement officer visited the site in January 2019 and his letter of the 25th January stated that a planning application for the change of use was required. A proposal for a new vehicular cross-over to the car parking area is sought.



Photo 2 -Field with agility equipment in rear with Farm building and planting in adjacent fields.

- 14 **The Site**
The Brambles is situated on Flaunden Lane in the village of Bovingdon, 180m from the Junction of Flaunden Lane and Chipperfield Road. The road is a 40 mph road.

- 15 The field was part of a local farm's orchard and contains fruit trees of some considerable age. The applicants are replanting new fruit trees to complement the new hedge around the field boundary. The field has been unused for some years prior to acquisition by the applicants. The fencing and hedging were completed prior to the new dog walking use beginning.
- 16 The nearest dwellings from the boundary of the field are some distance, the nearest being Southcombe some 25m to the north. 1-18 Boundary Cottages, Maulischau and Longdene (facing onto Chipperfield Road) are 65-75m from the closest boundary of the field. The field is bounded by agricultural and business buildings at Greinan Farm to the east. The nearest dwellings to the west on the opposite side of Flaunden Lane (Copse Hill House, Hunter Lodge and Heathfield) are at least 100m distant from the boundary of the field.
- 17 The site has a number of trees and denser planting at the rear of 1-18 Boundary Cottages and between the field and Greinan Farm.
- 18 The site does not contain any TPO trees. The site is within the Green Belt. The site is not within a Conservation Area. The proposals do not affect any public rights of way.
- The Proposals management arrangement**
- 19 It is important to understand the management arrangements because this determines the level of activity on the site. This process has been in place since June 2018. All dog walking sessions are pre-booked for a half-an-hour or hour slot. Dog walkers cannot turn up speculatively. The field is booked exclusively for the dog or dogs and their owners and the owners walk their own dogs. The booking profile set out in Appendix 1 shows the booking period for January and February 2019. The most sessions booked in any one day in that period was 9, the average is 3 sessions per day. Most walks are for single dogs, the average for January 2019 was 1.5 dogs per session booked.
- 110 The field is not lit. No walks take place before dawn nor after dark and no additional lighting is installed or proposed.

111 A booking is always for sole use of the owner and their dog(s), dogs do not mix and consequently there is less barking or other noise. The booking session is designed so that dogs do not meet other dogs in the field.

112 Dog owners appreciate the dog walking field for a number of reasons, particularly that they have a safe and secure enclosed space for dogs to roam off a lead. Many countryside and park walks are intersected by roads or fields occupied by animals, making off-lead walking more difficult. Some dogs are aggressive with other dogs and some timid or nervous. The benefits of the walking field is that is a safe, controlled and enclosed space.

113 The dog walking field is not intended to be used for dog training or dog classes of any kind. There is wooden agility apparatus but this is for individual dog walkers. This apparatus will not be left out and removed and stored when not in use.

Benefits of the proposals

114 As well as providing a service to dog walkers, the use proposed provides a recreational amenity in the countryside without harming the Green Belt.



Photo 3- Existing Fencing and Hedging

- Fencing and Hedging**
- 1.15 The fencing to the field was replaced while the field was in agricultural use. Hedging has been planted around the field at that time. Over time this will give an additional visual screen and partial noise barrier to the dog walking field.



Photo 4 Proposed Car park, new access requiring dropped kerb. Area for new barn on right.

Car Parking Area

- 1.16 Permission is sought for the existing car parking area. The car parking area is large enough to comfortably accommodate two cars and for the cars to be able to arrive, turn and leave in forward gear.

Open sided timber barn

- 1.17 This element has been removed from the revised application.

Vehicle Cross Over and Dropped Kerb

- 1.18 Currently cars parking on the rough shingle hardstanding which is accessed through the Brambles driveway. A vehicle cross over with dropped kerb is proposed on the site of the historic gated entry into the former field as there is a no dropped kerb and crossover to modern standards.

Times of opening and other restrictions proposed

- 1.19 The following times of opening are proposed. In winter 8am-4pm weekdays and weekends and in British Summer Time, 8am to 7pm.

- 1.20 The applicants are content to accept a planning condition that restricts the number of dogs that could be walked in any one booked session. The applicants suggest that no more than 4 dogs can be exercised at any one session.

2. Recent Planning History

- 21 There is no recorded planning history for this site on Dacorum's Planning Portal.

Proposals for dog walking Paddocks in the other locations

- 22 The provision of secured dog walking areas or paddocks is a relatively recent phenomenon. The number of planning applications for such uses are fairly rare but there are examples of applications in other Green Belt locations and it is useful to see how these applications have been considered by other local authorities.

East herts DC (3/12/1083/FP)

- 23 An application in 2012 on 1.94ha land at Sawbridgeworth, East Herts. The proposal was for a change of use of land to dog walking and associated field shelter for a maximum of 20 dogs. It was considered by the Council that there was no conflict with Green Belt land in respect of its purpose and that the shelter did not impact on openness. The vehicular use of the site did not cause harm. The application was approved.

Guildford DC (13/P/1009)

- 24 This 2013 application was on 1.65 ha. of land at Green Lane within the Green Belt. The applicant sought the construction of two shelters (24m² building) and dog agility equipment. The officer report concluded that the proposals did not impact on openness of the Green Belt nor was against Green Belt purposes. The closest residential property was 85 metres away (similar in scale to the application) and amenity was not considered to be harmed. A one year temporary consent was issued in 2013. In 2014 a full application (maximum of 20 dogs and two vehicle hardstanding) was approved (14/P/1088) on the same site.

North Warks BC

- 25 A proposal for a dog training field and shelter was refused by North Warks BC on Great Chapel Field (PAP/2016/0060) which was appealed (APP/R3705/C/17/3182857). Although the appeal was refused, the Inspector was clear that the dog walking use was an appropriate use in the Green Belt, and that the shelter (10.5m²) and dog training agility equipment did not compromise openness. The appeal was dismissed because the dog training element for multiple dogs (not a feature of this application) gave rise to additional noise and disturbance (because of the need to instruct animals and the number of dogs taking part in such activities) that was considered to negatively affect the amenity of local residents.

Summary

- 26 In summary there is a body of decisions that have accepted that dog walking fields are an acceptable use in the countryside in general and the Green Belt in particular. Dog walking meets one of the material changes in the use of land for sport or recreation that is acceptable on Green Belt land. The use of small shelters has generally found favour in that they do not impact on openness of the Green Belt. The same consideration is given to dog agility equipment but with some council's requiring that it is stowed away at the end of the day or session.

- 27 The above decisions have also had regard to amenity issues and have accepted that limiting dog numbers on a site can ensure that any noise is to an acceptable level. In some cases the number of dogs allowed on site were far in excess of what is proposed on the application site.

3. Proposals and Planning Issues

Planning Issues

3.1 The main issues in this application are:

- Principle of land use in the Green Belt
- The impact of buildings and equipment on openness in the Green Belt
- Amenity considerations
- Car parking and access arrangements and increased car trips

The National Planning Policy Framework (NPPF), 2019

3.2 The development plan for Dacorum consists of the National Planning Policy Framework (NPPF) 2019, the Council's Core Strategy, adopted January 2013 and saved policies from the Dacorum Borough Local Plan 1991-2011. The council also produce a range of Supplementary Planning Guidance and Supplementary Planning Documents that are of less direct relevance to the main issues set out above.

3.3 The NPPF sets out the governments national planning policy. It requires councils to take a positive approach to planning that reflects a presumption in favour of sustainable development and finding solutions that secure development that improves economic, social and environmental conditions. The NPPF 2019 sets out the most up-to-date policy on land use and buildings in the Green Belt.

Principle of land use in Green Belt

3.4 Paragraph 134 of the NPPF 2019 sets out the five purposes of the Green Belt, fundamentally to keep the countryside open. Paragraph 143 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 146 allows for other types of development within Green Belt land as long as such use preserves openness and does not conflict with the five purposes.

35 Paragraph 146 (e) allows for material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). The change of use of the field for dog walking is a outdoor recreation use that would clearly fall within the ambit of 146(e) and the proposed use does not compromise the openness of the Green Belt. The proposed use of the field is therefore appropriate in the Green Belt. This is a view that has been accepted by local authorities and Planning Inspector's dealing with similar applications (see Section 2 for examples).

The impact on openness

36 The use of the land does not impact on openness. A timber barn is no longer proposed.

37 Timber dog agility or exercise equipment is currently placed at the far end of the field close to Greinan Farm (see photo 2 above). In the examples of planning applications set out in Section 2 above, it has been accepted that such dog exercise equipment does not harm the openness of the Green Belt, although some local authorities require its storage when not in use. The applicant would be content with a planning condition that set down such terms if that were considered necessary.

Amenity Considerations

38 Applications for dog paddocks elsewhere have been objected to on amenity grounds, chiefly noise and disturbance from dogs, but also additional car movements. In other applications, noise from dogs has not considered to be a significant problem. It was only considered to be a problem on sites where dog training classes for multiple dogs was proposed. The applicant is clear that the application paddock will not be used for dog training and the maximum number of dogs in the paddock at any one booking session will be 4. Booked sessions in January and February 2019 have had an average of 1.5 dogs per visit.

3.9 Other complaints on dog paddocks involved visual disturbance and loss of privacy. The field is over 60m from all but one house, and most significantly longer. There are significant areas of planting and hedgerow at the front and at the rear of the field. New hedging has been planted around the boundary of the whole field. The loss of privacy is not considered to be a problem.

3.10 Car traffic to the site averages 3 visits a day in January and February 2019. This level of visitor traffic does not create noise and disturbance.

Noise Report

3.11 The Council have asked for a noise report during the passage of the application. This was carried out by consultants, Applied Acoustic Design. They concluded that the impact at worst case gave a 2dB increase in noise (LAeq,1h). This is not a significant noise impact considering the IEMA Noise Impact Effects.

Car Parking and Access

3.12 The applicant seeks retrospective consent for the car park layout which has been completed. There is ample space to allow for two cars to park and also to enter and leave the site in forward gear.

3.13 The driveway of the current house connects the car park until a new vehicle crossover and dropped kerb is agreed and can be implemented by Herts CC. In respect of car trips, the maximum is two per hour if there are half-an hour bookings although most bookings are for an hour. There were 175 bookings in January and February 2019 over 59 days, an average of 3 trips per day. This will have no perceptible affect on the highway network.

3.14 The proposed new access (drawing xxx) shows that the visibility splays are adequate for the proposed level of visitor traffic.



Photo 5 Proposed new access

4. Conclusions

- 4.1 The proposal is for a change of use to a dog walking field, a recreational use that is appropriate in the Green Belt.
- 4.2 The use does not impinge of the openness of the Green Belt.
- 4.3 The proposed dog agility equipment does not impinge on the openness of the Green Belt.
- 4.4 The application site is carefully managed, proposing a maximum number of dogs in the field at any one time, a booking system, restricted open hours and no dog training classes.
- 4.5 The site does not create amenity issues for local residents. The field is a significant distance from all dwellings, noise is controlled through the management of the site and over time hedge planting will assist in countering noise and limiting views in and out of the dog walking paddock.
- 4.6 The booking system ensures that a maximum of 2 cars per hour visit the site but the daily average this year has been 3. This level of traffic has no perceptible effect on the highway network. The proposed car park and entrance is considered to be safe in terms of access and egress.
- 4.7 The noise survey demonstrates that there is not a significant noise impact, even considering a worse case scenario.
- 4.8 For these reasons the proposals should be supported. The proposals are sustainable and following National planning guidance (NPPF 2018) should be consented.

David Carroll M.Sc. MRTPI
Dave Carroll Planning Limited
September 2019

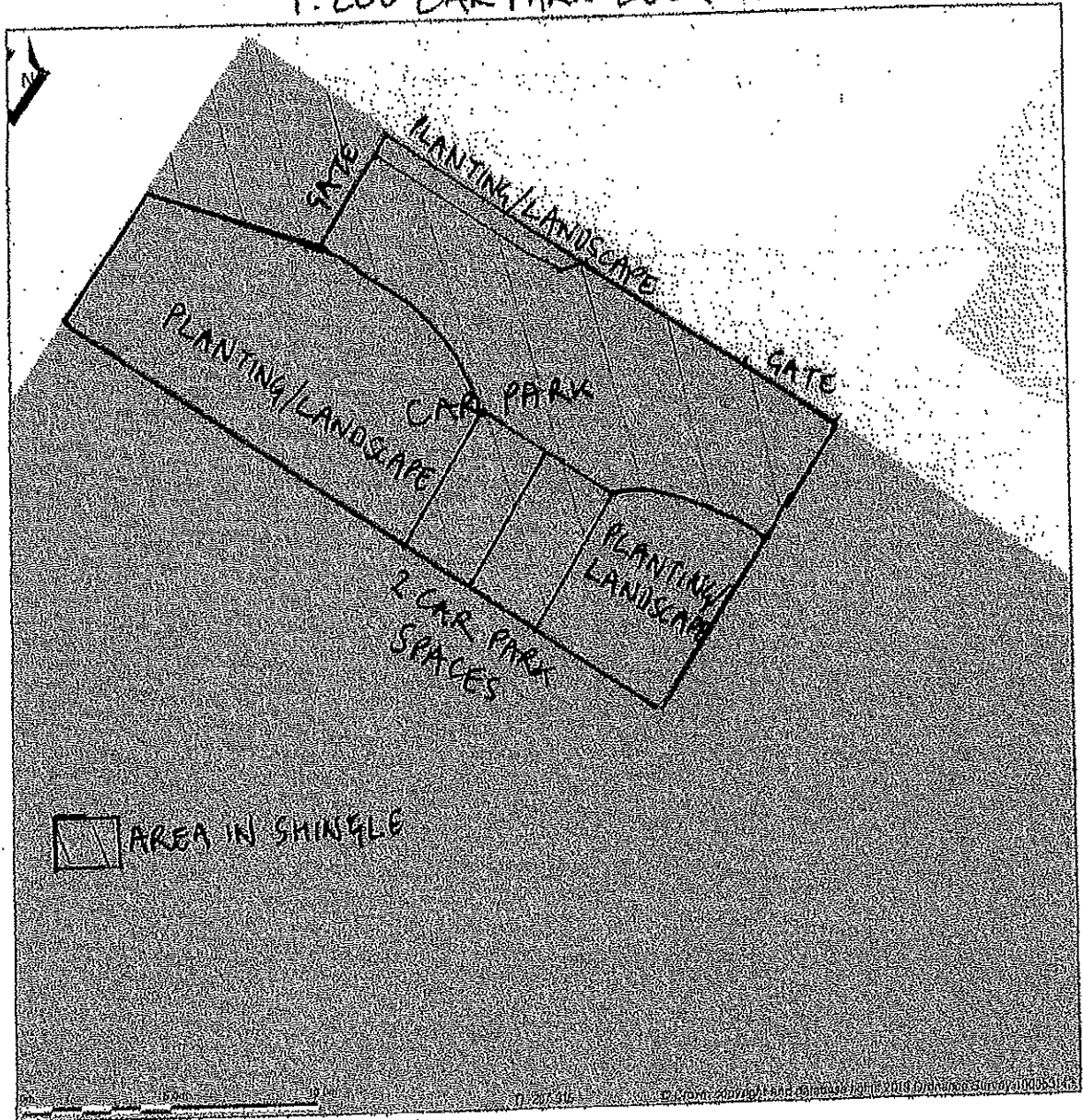
Appendix 1 Dog Walking Bookings In January and February 2019

January	Number of bookings	Number of cars	Number of dogs
1	3	3	8
2	2	2	5
3	3	3	6
4	4	4	7
5	4	4	9
6	7	7	11
7	1	1	2
8	0	0	0
9	3	3	4
10	4	4	4
11	4	4	6
12	5	5	7
13	6	6	8
14	1	1	1
15	0	0	0
16	2	2	4
17	3	3	4
18	5	5	7
19	5	5	8
20	6	6	9
21	0	0	0
22	1	1	1
23	1	1	1
24	3	3	4
25	3	3	3
26	5	5	7
27	4	4	6
28	2	2	2
29	0	0	0
30	2	2	3
31	2	2	2

Week	Number of bookings	Number of days	Number of days
1	3	3	5
2	4	4	6
3	5	5	5
4	0	0	0
5	0	0	0
6	4	4	5
7	3	3	5
8	2	2	3
9	4	4	6
10	5	5	6
11	1	1	1
12	3	3	4
13	4	4	6
14	2	2	4
15	5	5	7
16	Closed	Closed	closed
17	closed	Closed	Closed
18	1	1	1
19	2	2	4
20	3	3	3
21	3	3	5
22	4	4	4
23	4	4	6
24	5	5	7
25	2	2	2
26	3	3	5
27	0	0	0
28	2	2	2

The Brambles, Flaunden Lane, Bovington, Hertfordshire, HP3 0PA

1:200 CAR PARK LOCATION



Block Plan shows area bounded by: 502269.74, 203135.98 602806.74, 203171.98 (at a scale of 1:200), OSGridRef: TL 207 315. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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From: [Redacted]

To: James.doe@dacorum.gov.uk; Jackie.Ambrose@dacorum.gov.uk; bpc@dacorum.gov.uk

Cc: [Redacted]

Date: Monday, 31 March 2014 15:51 BST

[Redacted]

Please find attached our letter as discussed with [Redacted] last week with regard to [Redacted]

Trust the content is clear.

Kind regards,

[Redacted Signature]

[Redacted Attachment] 102.7kB

[REDACTED]

Mr. James Doe - Head of Planning & Regeneration
Ms. Jackie Ambrose - Case Planning Officer
Dacorum Borough Council
Hemel Hempstead Civic Centre
Marlowes
Hemel Hempstead
Hertfordshire
HP1 1HH

[REDACTED]

Bovingdon, March 31st, 2014

Reference: Ten Oaks Farm - planning application 4/00458/14/FUL

Dear Mr. Doe, dear Ms. Ambrose,

We write to you with regard to the planning application 4/00458/14/FUL (Ten Oaks Farm) as per our telephone conversation with Ms. Ambrose last week.

We have reviewed the most recent planning application submitted by [REDACTED] with regard to Ten Oaks Farm (4/00458/14/FUL). This application follows two earlier applications; 4/02021/12/FUL that was withdrawn and 4/01798/13/FUL that was rejected by the Dacorum Planning Committee in December 2013.

The fact that this is the third planning application for Ten Oaks Farm tells a story in itself...After acquiring Ten Oaks Farm during 2012 [REDACTED] developed a plan to replace the existing dwelling on the site by a new zero-carbon house. They also communicated this to the neighbours. However when the initial application was submitted it became clear this plan involved moving the location of the new house onto Green Belt land. This was not made clear to any of the neighbours and would set an alarming precedent for development of the Green Belt in and around Bovingdon.

The direct neighbours decided to engage with [REDACTED] in order to investigate whether a compromise could be agreed. Jointly we effectively took the position that although the replacement dwelling was not in keeping with the local designs and significantly larger we could accept such a design and dwelling in its current location on the plot - i.e. not on the agricultural Green Belt land where it was proposed. To further these conversations a meeting took place between [REDACTED] and myself (on behalf of the neighbours) in The Bricklayers Arms pub on January 9th, 2013. During that conversation and following email communications [REDACTED] made clear that no such compromise was acceptable and that he was not interested in further negotiations towards a compromise.

We all know what happened since: the initial application was withdrawn in order to further "strengthen" the case for building on Green Belt land and the new application of October 2013 was materially unchanged compared to the 2012 one. On December 19th, 2013 the Dacorum Planning Committee voted to reject approval for the scheme after widespread objection from the Bovingdon Parish Council, neighbours, the Bovingdon Action Group and certain local councillors.

Early 2014 a new application was submitted for substantially the same dwelling as proposed before; however this time the replacement dwelling was to be located within the (after change of use) domestic curtilage of the original dwelling.

Although the proposed dwelling is still materially larger than the current dwelling including the various outbuildings and not really in keeping with the designs of the neighbouring houses we have decided not to object to this application. Style and design are a matter of taste and we do believe that the new proposal will improve the site's overall appearance.

We do however regret the way this whole redevelopment of [REDACTED] has come about. We believe a lot of public (and private) time and money could have been saved if Dacorum Planning had objected to the original planned inappropriate development of Green Belt land and made those views explicitly clear to [REDACTED]. In that case the conversations which started in the autumn of 2012 regarding a compromise would probably have gotten us all where we are today: a "zero-carbon" house replacing an existing dwelling materially in the same location on the plot. Hopefully planning laws and interpretation will develop further so that this waste of public money as a result of applicants "trying it on" can be avoided in the future.

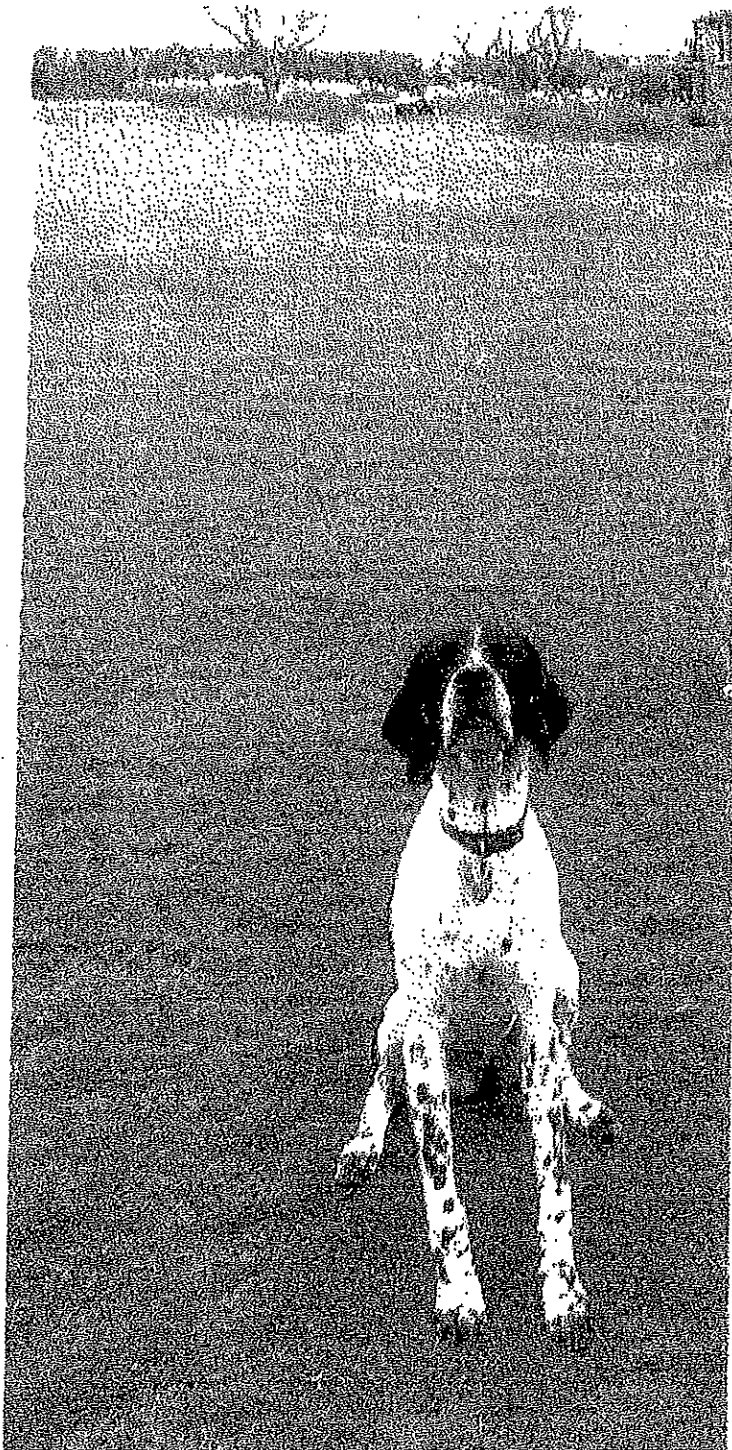
Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Secure Dog Walking Field

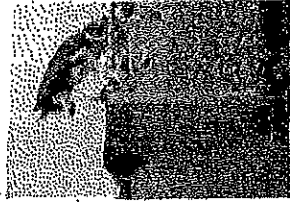
At the Brambles, we can offer a private, secure 3 acre field for hire in which you can exercise your dog on its own in a controlled environment, off the lead, allowing it to run free and play.

→ The perimeter fence is 4 foot high.

We also have secure, off road parking.

About 16,300,000 results (0.51 seconds)

Big dogs need big fences...because they can jump! A four-foot high fence is unlikely to deter a Husky, Golden Retriever, or Labrador, so you should look for a fence with a height of five or even six feet. For most breeds, six feet should be sufficient. 4 Aug 2017



5 Things to Consider When Getting a Fence for Your Big Dog

<https://blog.fenceauthority.com/fantastic-fences-for-big-dogs/>

About this result Feedback

People also ask

How high can small dogs jump?

What type of fence is best for dogs?

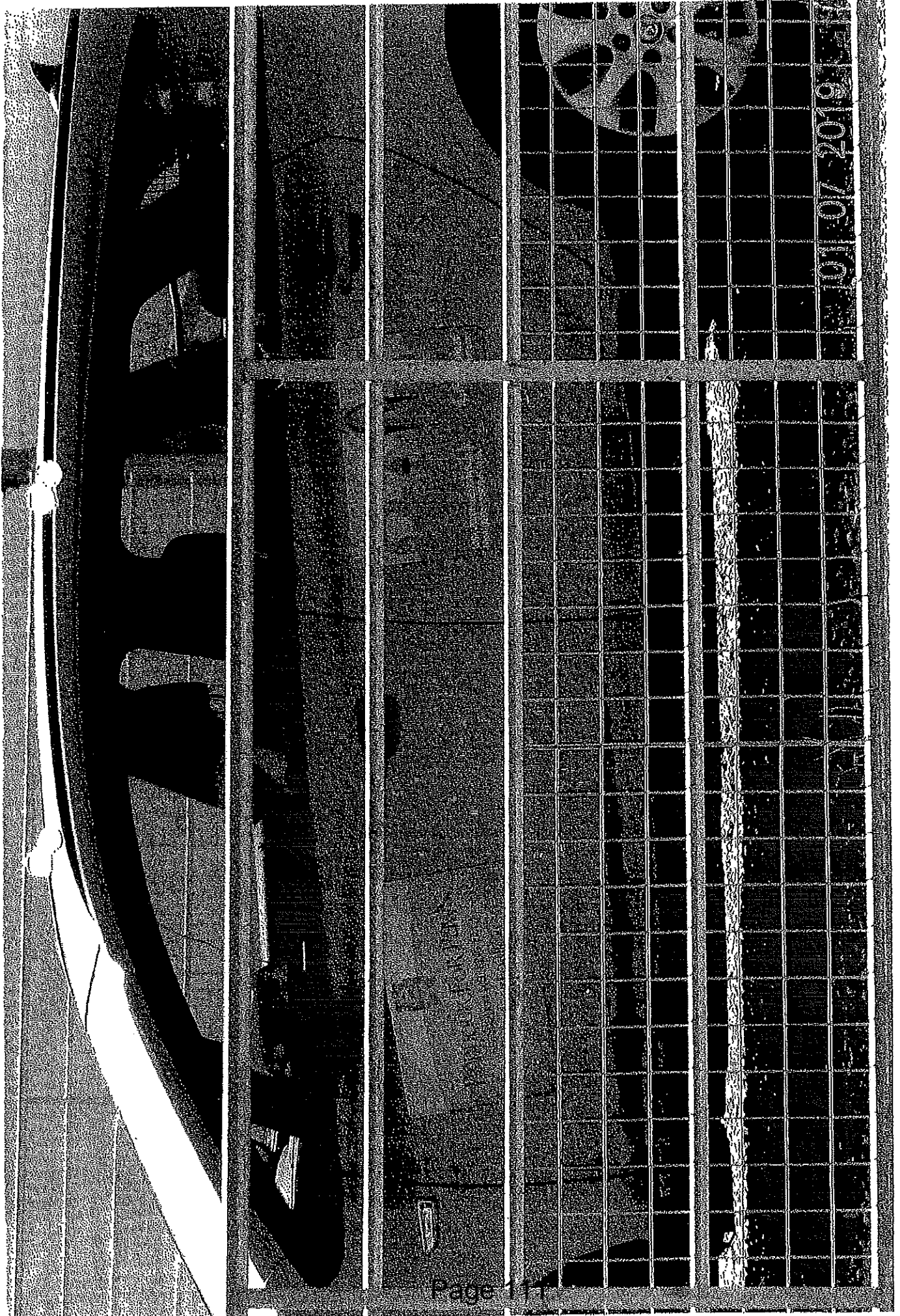
How can I get my dog to stop jumping the fence?

Will a picket fence keep a dog in?

Feedback



06-10-2019



01/07/2019



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About Me

Hi, my name is Lynne. I've always loved animals and taking care of them is what I enjoy doing. I can look after your dog in my home in rural Hertfordshire, whilst you're at work or at an appointment, as well as exercising them in our 3 acre secure paddock. I'm able to provide a nurturing and safe environment. I'm here to take care of your beloved pet.

————— B

As well as looking after your dogs, our paddock is also available for hire, so people can walk and exercise their dog in a safe, secure and stress free environment.

Please feel free to get in touch so that we can discuss the details and I can meet your furry friend.

You can follow me on Facebook.

Bovingdon Parish Council

Minutes of the Planning Committee meeting
held at
The Memorial Hall, High Street, Bovingdon
on Monday 16 April 2019 starting at 6.30 p.m.

Present:

Councillor Graham Barrett (Chairman)
Councillor Alison Gunn
Councillor Julia Marshall
Councillor Ben Richardson
Councillor Dave Stent
Councillor Adrian Watney

Also present:

Dacorum Borough Councillor Stewart Riddick
Mike Kember, Parish Clerk

Representatives from the Village:

Three

	Councillor Barrett introduced Councillor Hugh Schneiders who has been newly elected onto the Council and was attending the meeting as an observer.	
1.	Apologies for absence There were apologies for absence received from Councillor Pauline Wright.	
2.	Declaration of Interests linked to any of the items There were no Declarations of Interest.	
3.	Minutes of the Planning Committee meeting held on 25 March 2019 It was agreed by those present at the meeting, that the minutes of the meeting held on 25 March 2019 were a true representation of the meeting and were signed by Councillor Barrett.	
4.	Matters arising from the Minutes of the Planning Committee meeting held on 25 March 2019 There were no matters arising.	
5.	To consider the Parish Council's response to the following Planning Applications 'The Committee considered forms and drawings for applications relating to the parish of Bovingdon which had been received from Dacorum Borough Council up to the date of the meeting and it was RESOLVED that Dacorum Borough Council is informed of the Council's comments and observations, if any, as follows. The Council also trusts that due regard will be taken of any objection which may be received from neighbours in the vicinity.'	
5.1	4/00564/19/FHA – 31 Old Dean – Creation of gravel driveway with brick edging Support	
5.2	4/00718/19/FUL – Land south of The Brambles, Flaunden Lane – Change of use from agricultural land to dog walking paddock with associated car parking (retrospective). New vehicle crossover and construction of new timber barn Object: <ul style="list-style-type: none"> • no very special circumstances advanced for development • destroy openness of Green Belt • barn is too large • 7-day a week operation unacceptable • new entrance to car park is dangerous as on apex of curve in road • site is surrounded by housing on three sides • noise from dogs will disturb local residents • new car park unnecessary as sufficient car parking in front of property • boundary fencing is not high enough • contrary to DBC Policy CS11 	
	If the Case Officer is minded to recommend acceptance of this application, then it is	

	suggested that conditions should be attached to the approval. That is, restrict hours of operation from 10:30 to 15:30 Monday to Friday only; maximum of four dogs at any one time; not allow dog boarding and increase height of perimeter fence.	
6.3	4/00721/19/FHA – 48 Austins Mead – Two storey rear extension with porch to the front. New parking bay Support	
5.4	4/00752/19/FHA – 19 Hyde Meadows – Demolition of outbuildings and porch. Construction of two storey side extension, single storey rear extension, loft conversion and new porch to front. Please note that planning permission for a very similar scheme was granted on the 15 th August 2018 (4/01305/18/FHA). In this current application, the applicant is proposing a slightly deeper single storey rear ground floor extension Support	
5.5	4/00609/19/FUL – Duck Hall Farm, Upper Bourne End Lane – Installation of two steel gates (retrospective) Support	
5.6	4/00804/19/FHA – Fryth Hay, Hempstead Road – Single storey rear and side extensions, garage conversion and loft conversion incorporating hip to gable roof extension and rear and side dormer windows Deferred as need elevation plans.	
6.	To note the outcome of planning applications considered by Dacorum Borough Council:-	
6.1	4/01490/18/FUL – HMP The Mount, Chesham Road – Construction of additional car parking – WITHDRAWN (BPC Support)	
6.2	4/00168/19/DRC – Bovingdon WRF, Bovingdon Airfield – Details as required by conditions 3 (trench plan) and 4. (site restoration plan) attached to planning permission 4/02883/18/FUL (temporary planning permission for use of land for film-making for 35 weeks to include construction of set and use of hardstanding for stationing of support services, associated storage and parking) – GRANT (BPC No Comment)	
6.3	4/00211/19/FUL – Cottingham Farm, Flaunden Lane – Conversion of existing barn into three 3-bed dwellings with associated landscaping – GRANT (BPC No Objection)	
6.4	4/00328/19/TEL – Land outside Royal Oak, Bovingdon Green – Installation of electronic communications apparatus (1 cabinet) – RAISE NO OBJECTION (BPC No Comment)	
6.5	4/00268/19/HPA – 3 Bryfield Cottages, Flaunden Lane – Single storey rear extension measuring 6m deep with a maximum height of 3.5m and a maximum eaves height of 3m – PRIOR APPROVAL REQUIRED AND GRANTED – For information only	
6.6	4/00213/19/LDP – Fryth Hay, Hempstead Road - Single storey rear and side extensions, garage conversion and loft conversion incorporating hip to gable roof extension and rear and side dormer windows – GRANT (BPC Noted)	
6.7	4/00242/19/OUT – Greymantle – Construction of up to two new dwellings – REFUSE (BPC Object)	
7.	To note dates for Appeals / Forthcoming Inquiries / Forthcoming Hearings – all previously reported to the Planning Committee:	
7.1	Appeals Lodged:	
7.1.1	4/02770/18/FHA – 18 Hunters Close – First floor side extension with rear dormer window	
7.1.2	4/02935/17/FUL – Upper Bourne End Lane – Construction of two polytunnels and barn for agricultural purposes	
7.1.3	4/01871/18/ROC – Mountbatten House, Hempstead Road – Variation of condition 2 (approved plans) of planning permission 403698/15/MFA (construction of 34 units of retirement living apartments for the elderly with associated communal facilities, parking and landscaping)	



Appendix 9

Mr Gregory Lea
A & M Architectural Partnership LLP
40 Cambridge Road
Hastings
East Sussex
TN34 1DT

Town and Country Planning Act 1990 (as amended)

Approve with conditions Planning permission

Proposal: Change of use of agricultural land to dog walking/activity area together with formation of fenced enclosure, hardstanding for two vehicles and erection of 2 no. timber field shelters.

Location: Land at, Green Lane, Ockham, GU23 6PQ

For: Dog Days Adventure Ltd

Permission for the above application is hereby granted subject to the following condition(s) and reason(s)

1. The limited period for the use hereby permitted shall be until 30 September 2014; on or before the expiration of which period the use shall be discontinued in full, all buildings, structures, fencing, gates and equipment removed from the site and the land restored to its former condition.

Reason: To allow the Local Planning Authority an opportunity to assess the effect of the use hereby permitted on the residential amenities of the surrounding areas. In accordance with the following policy number(s), G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

2. The shelters, fencing and gates shall not be erected other than in the materials specified on drawing number 3460-101 A (received 24.06.13), or such other materials as have been approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the structures are satisfactory. In accordance with the following policy number(s), G5 and RE2 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

3. The use hereby permitted shall not operate other than between the hours of 0900 and 1530 Mondays to Fridays and shall not operate at all on Saturdays, Sundays or Bank or National Holidays.

Reason: To safeguard the residential amenities of neighbouring properties. In accordance with the following policy number(s), G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

4. All equipment shall either be removed from the site or stored in the approved shelters on Bank and National Holidays and outside of the hours of 0900 and 1530 Monday to Friday.

Reason: To safeguard the character of the area and the visual amenity of the Green Belt. In accordance with the following policy number(s), G5 and RE2 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

5. There shall be no more than 20 dogs on the site at any one time.

Reason: To safeguard the residential amenities of neighbouring properties. In accordance with the following policy number(s), G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

6. The site shall not be used for the boarding of animals at any time.

Reason: To safeguard the residential amenities of neighbouring properties. In accordance with the following policy number(s), G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

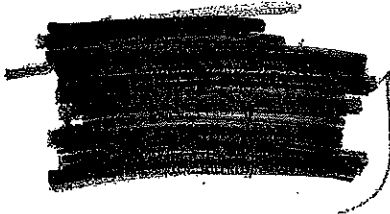
7. This decision relates expressly to drawing(s) 3460-101 A; 1:2500 site location plan and additional information received on 24.06.13.

Reason: To ensure that the development is carried out in accordance with the approved plans, and in accordance with policy G1 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07).

Informatives:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Guildford Borough Council takes a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by:
 - offering a pre-application advice service
 - updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this instance the applicant did not enter into pre-application discussions and did not seek any advice before submitting the application. However, following the receipt of additional information from the applicant, the proposal is deemed to be acceptable as submitted.



This decision notice does not grant buildings regulations approval.

Notes in respect of applications for the Planning permission

Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Department for Communities and Local Government, under Section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Department for Communities and Local Government refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on Guildford Borough Council in whose area the land is situated. This notice will require Guildford Borough Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from Guildford Borough Council if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to Secretary of State. These circumstances are set out in Part V and related provisions of the Town and Country Planning Act 1990.

NOTES IN RESPECT OF APPLICATIONS FOR LISTED BUILDING CONSENT AND CONSERVATION AREA CONSENT

Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse Listed Building Consent or Conservation Area Consent for the proposed works, or to grant consent subject to conditions, you may appeal to the Secretary of State for the Department for Communities and Local Government in accordance with Section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Appeals must be made on a form which is obtainable from the Planning Inspectorate.

Purchase Notices

If Listed Building Consent or Conservation Area Consent is refused, or granted subject to

conditions, whether by the local planning authority or by the Secretary of State for the Department for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he/she may serve on Guildford Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

NOTE: Where consent is given to demolish a Listed Building the applicant is advised that "Attention is drawn to Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition may not be undertaken (despite the terms of the consent granted by the Local Planning Authority) until notice of the proposal has been given to English Heritage South East Region, Eastgate Court, 195-205 High Street, Guildford, GU1 3EH and English Heritage have subsequently either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it".

NOTES IN RESPECT OF ALL APPLICATIONS

Conditions

Where this decision notice relates to the grant of planning permission, Listed Building Consent or Conservation Area Consent, the applicant's attention is drawn to the conditions attached. It is the applicant's responsibility to ensure that the conditions are properly complied with. If you are in any doubt about the meaning or implications of any of the conditions you should contact the local planning authority or seek professional advice.

Breach of Condition Notices

IMPORTANT: If you do not comply fully with the attached conditions Guildford Borough Council may serve a Breach of Condition on you and you may be prosecuted and fined. There is no right of appeal against a Breach of Condition Notice.

NOTE: Attention is drawn to Section 20 of the Surrey County Council Act 1985 which requires that when a building is erected or extended, proper provision shall be made for the fire brigade to have means of access to the building and any neighbouring building.

If you require any further information on Building Regulations please contact Building Control on 01483 444545.

Appendix 10

5b 3/12/1083/FP – Change of use of land for dog walking and associated field shelter at land at Chaseways, Sawbridgeworth for Ms S Ashley

Date of Receipt: 06.07.2012

Type: Full – Major

Parish: SAWBRIDGEWORTH

Ward: SAWBRIDGEWORTH

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. The use hereby permitted shall be limited to the hours of 10:30am to 15:30pm and at no other times without the prior consent in writing of the Local Planning Authority. X

Reason: In the interests of neighbour amenity and to ensure that the Council retains control over the use of the land in accordance with policy ENV1 of the East Herts Local Plan April 2007.

2. A maximum of 20 dogs shall be exercised or contained within the land at any one time.

Reason: In the interests of neighbour amenity and to ensure that the Council retains control over the use of the land in accordance with policy ENV1 of the East Herts Local Plan April 2007.

Directives:

1. Other legislation (01OL1).
2. Groundwater protection zone (28GP)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007, and in particular policies GBC1, ENV1, LRC9) and the National Planning Policy Framework. The balance of the considerations having regard to those policies is that permission should be granted.

_____(108312FP.MP)

3/12/1083/FP

1.0 Background:

- 1.1 The application site (1.94 hectares) is shown on the attached OS extract. It comprises a large open meadow field with a small field shelter located to the northern corner of the site. The application site is bounded by a 1.2metre high chicken wire fence. To the north west is Rowney Wood which is a fairly dense area of woodland which screens views to the site from the north. To the north east lies the property known as Primrose Cottage, wherein there is a residential use and agricultural activities associated with the land. To the south west are the residential and agricultural dwellings associated with Rowney Farm. To the south east of the application site is a pedestrian footpath which links Chaseways with other residential development further to the north east.
- 1.2 The application seeks retrospective planning permission for the use of the land for dog walking and the erection of a field shelter. The information submitted with the application indicates that the land is used between 11am and 3pm each day of the week and involves dogs being brought onto the site by vehicle and then walked on the land before again being transported off the site. The applicant indicates that, on average, there is one incoming vehicle movement, in the form of a van fitted out to accommodate dogs, which brings the dogs into the site (maximum of 20 animals) and these are supervised by two individuals. There is then one outgoing vehicle movement when the dogs are returned to the van and taken away from the site.
- 1.3 Vehicular access to the application site is achieved through land associated with Primrose Cottage, via High Wych Road.

2.0 Site History:

- 2.1 There is no planning history relating to the site

3.0 Consultation Responses:

- 3.1 Hertfordshire Biological Records Centre notes that there are no known ecological constraints regarding the proposed development and the application may be determined accordingly.
- 3.2 Veolia Water comments that the site is located within the groundwater protection zone of Redricks Lane Pumping Station. The construction works and operation of the proposed development site should be undertaken in accordance with the relevant British Standard and Best Management Practices.

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- 3.3 Natural England comments that the proposal does not appear to affect any statutory protected sites or landscapes, or have significant impacts on the conservation of soils.
- 3.4 The Environmental Health Officer comments that they do not wish to restrict the grant of planning permission.
- 3.5 County Highways comment that they do not wish to restrict the grant of planning permission. The Highways Officer comments that the use of the field for dog walking is not significant in terms of highways issues. Access to the site is via an existing appropriate access onto High Wych Road serving Primrose Cottage. The associated traffic is therefore not likely to be significant and ample area is available for parking and vehicle turning.

4.0 Town Council Representations:

- 4.1 Sawbridgeworth Town Council have no objection to the application but raise concerns with health and safety issues such as amenities for dog handlers (toilet facilities), escaping dogs that have been reported by local residents; dog waste being disposed of properly and the blocking of the bridleway by parked vans. They comment, however, that they felt there is no planning reason to refuse the application.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 Four letters of representation have been received which can be summarised as follows:

- The use of the site for dog walking results in disruption to walkers peaceful enjoyment of the public footpath;
- The use of the site results in harm to neighbour amenity in terms of noise and general disturbance;
- Chaseways is not suitable for extra daily traffic;
- Concern regarding dog fouling and impact on local wildlife and contamination;
- Concern over extent of development at Primrose Cottage.

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6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

- GBC1 Appropriate Development in the Green Belt
- ENV1 Design and Environmental Quality
- LRC9 Public Rights of Way

6.2 The NPPF is also relevant to the determination of the application.

7.0 Considerations:

7.1 The main planning issues for consideration in the determination of this application are as follows:

- Principle of development;
- Impact upon the character and appearance of the Green Belt;
- Impact on neighbour amenities;
- Impact on public right of way
- Highway Safety

Principle of development

7.2 The site lies within the Metropolitan Green Belt, wherein permission will not be given for inappropriate development unless there are other material planning considerations to which such weight can be attached that they would clearly outweigh any harm caused to the Green Belt by inappropriateness or any other identified harm, thereby constituting 'very special circumstances' for permitting the inappropriate development in the Green Belt.

7.3 The development sought consent in this application relates to the provision of a field shelter and the use of the land for dog walking. Policy GBC1 sets out some forms of development which can be considered appropriate within the Green Belt and these include agricultural related developments; essential facilities for outdoor sports and recreation; and changes of use that do not impact on the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.

7.4 It is therefore appropriate to consider the impact of the development on the openness of the area and the purposes of including land within the Green Belt.

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- 7.5 With regards to the use of the land for dog walking purposes, Officers are satisfied that this, in itself, would not materially impact on openness. The information from the applicant indicates that this use presently takes place during the main part of the day – 11am to 3pm with around twenty dogs being exercised at any one time. There are typically two vehicle movements associated with this use and normally two individuals on the site.
- 7.6 With regards to the purposes of including land within the Green Belt, this is not explicitly defined in the Local Plan. However, the National Planning Policy Framework, which supersedes Planning Policy Guidance 2: Green Belts, does set out the five purposes of including land within the Green Belt:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.7 Having regard to the nature and level of development associated with the dog walking use, it is considered that there is no conflict with the purposes of including land within the Green Belt.
- 7.8 In this case, therefore, the use is not considered to represent an inappropriate form of development within the Green Belt. Furthermore, the field shelter is considered to be an essential facility to support this use of the land (to provide shelter for the dogs and handlers in inclement weather) and that structure, in itself, is not considered to have any significant impact on openness or to conflict with the purposes of including land in the Green Belt.
- 7.9 Officers therefore consider that the development proposed does not represent an inappropriate form of development within the Green Belt and is not, in principle, contrary to the provisions of the Local Plan. It is not therefore necessary for the applicant to show very special circumstances in this case.

Impact on character and appearance of the area

- 7.10 The proposed use, involving two vehicle movements per day, is considered limited in extent and would not, in Officers opinion, result in a

3/12/1083/FP

significant level of traffic movement or activity which would result in a material impact on the character of the Green Belt.

- 7.11 With regards to the field shelter; this building is of modest proportions and timber construction. It is located in an unobtrusive part of the site and is not dissimilar to other types of animal field shelters that might be expected in a rural setting. In this respect, this element of the application is not considered to result in a material impact on the openness or character of the surrounding area.

Impact on neighbour amenities

- 7.12 The comments from third parties are noted, in terms of the impact on the amenity of neighbouring properties. The application site is around 200 metres away from residential properties in Rowney Gardens and 100 metres from Wheatley Close. Properties within Chaseways are closer to the application site (the closest of those being approx. 70m from the site). Rowney Farm to the south is the closest property, being approx. 30 - 50m away.

- 7.13 Whilst the concerns raised by local residents have been noted, particularly in respect of general noise and disturbance, Officers consider the relationship of the use to the properties to be an acceptable one. Having regard to the siting of the application site and relationship and distance to neighbouring residential properties, combined with the limited hours of use of the land and number of dogs being exercised, it is considered that the development will not result in significant harm to neighbour amenity that would warrant the refusal of planning permission.

Impact on adjacent public right of way

- 7.14 The application site is located adjacent to the public right of way, although the site is separated from the footway by virtue of a chicken wire fence. Policy LRC9 of the Local Plan requires that development should not adversely affect any public right of way. Having regard to the relationship between the application site and the public right of way, Officers are of the opinion that the change of use of the land does not result in significant harm to the public right of way, in accordance with policy LRC9.

Highway safety matters

- 7.15 The Design and Access Statement submitted with the application indicates that access to the site is through the adjoining site at Primrose Cottage using the existing access onto High Wych Road. The Highways

3/12/1083/FP

Officer has commented that the existing access via Primrose Cottage is acceptable and will not lead to significant harm to highway safety. In accordance with that advice, Officers consider that the development is acceptable in highway safety terms.

Conditions

- 7.16 Officers have referred above to the limited hours of use of the land for dog walking purposes and the limited number of dogs being exercised at any one time. However, without a planning condition restricting such matters, the use of the land could potentially result in a more significant impact on the openness of the land, character of the site and on amenity. For that reason therefore, Officers recommend the inclusion of planning conditions restricting the use of the land to the main part of the day and the number of dogs being exercised on the land. The applicant has agreed to such an approach.

Other matters

- 7.17 The comments from Sawbridgeworth Town Council and third parties are noted. With regards to the concern that there are insufficient amenities (toilets) for the dog walkers/supervisors, Officers note that the application site is in close proximity to Primrose Cottage which is understood to be within the ownership of the applicant, Ms Ashley. There are sufficient amenities within that site for the workers on the application site.
- 7.18 With regards to the concern that dogs have escaped and that dog waste should be collected and properly disposed off, this is not considered to be a matter over which the local planning authority has any control but is the subject of other legislation and considered to be the responsibility of the applicant. With regards to the blocking of the public right of way – should this happen - it is a matter against which Hertfordshire County Council's Rights of Way Officers would be able to enforce.
- 7.19 Officers note the concerns raised by third parties with regards to the extent of development at the adjoining Primrose Cottage. Officers acknowledge that there is a significant level of planning history relating to Primrose Cottage, some of which is complex. Officers have not set out within this report the full history of development relating to Primrose Cottage but would comment that this application should be determined on its own merits.

8.0 Conclusion:

- 8.1 The use of the land for dog exercising does not result in a material

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impact on the openness of the site and therefore represents an appropriate form of development within the Green Belt. Subject to the imposition of planning conditions restricting the hours of use of the land and the number dogs being exercised, it is considered that the development will not result in significant harm to neighbour amenity or the adjacent public right of way or any other harm. In accordance with those considerations, Officers recommend that planning permission is granted subject to the conditions set out at the head of this report.

detrimental impact on the character and appearance of this part of the overall site and that matters of highway safety and intensification of use would not be issues on which to withhold permission.

71. On that basis I consider that the proposal accords with policies NW1 (Sustainable Development); NW3 (Green Belt); NW10 (Development Constraints); NW12 (Quality of Development); NW13 (Natural Environment) and NW17 (Economic Regeneration) of the development plan, as well as with relevant NPPF policies. The appeal succeeds, therefore and a conditional permission will be granted.

Necessary conditions

72. I consider that all of the Council's suggested conditions (with the exception of a landscaping condition), as well those of the WCCHA are necessary and appropriate and that they all accord with the necessary tests for conditions set out in PPG. I consider that some of the conditions should be worded to ensure that they are true conditions precedent whereby the permission is controlled by and is subject to conditions. Some need to be expressly prohibitive of commencement of the development. I also consider that such conditions are necessary as they go 'heart of the permission' and that without them the development would be harmful to the 'openness' of the Green Belt, as well as being harmful in terms of its visual impact. With regard to the proposed landscape condition, this would necessitate going outside of the redline application and in my view this would not meet all of the necessary tests. In any case the requirements of Notice 1 require the land around the building to be returned to its former state.

Appeals C and D

Introduction

73. The irregular-shaped appeals site at Great Chapel Field is located on the north side of Wall Hill Road, close to its junction with Meriden Road in Chapel Green. It is bounded by Wall Hill Road to the south, south-west and south-east; by Meriden Road to the north-west and the M6 motorway to the north. The appellant company's site at the Heart of England Conference and Events Centre lies to the south west. There is a public Right of Way (ROW) along the northern boundary.

74. The nearest residential properties to the site are located on the opposite side of Wall Hill Road to the south-east of the site. These are 'Moor House', 'Moor House Lodge' and 'Moor House Bungalow'. There are mature trees to the north and north-west and a hedgerow boundary to the south and south-east. A sloping grass verge separates the field from Wall Hill Road on the south west side and there is a partially hard-surfaced access across the drive to the main gate. I inspected this area in detail the day before my formal site visit and informed the parties at the meeting which preceded my formal visit. I inspected the whole of the site on my site visit.

75. In Appeal D, the application was partly retrospective and partly a proposal for new works. The new works related to the formation of a new access and car park and the re-siting of the moveable field shelter and dog agility course equipment. The enforcement notice in Appeal C relates to the change of use of the land from agricultural use to the dog training use plus the siting of the shelter, the equipment and some other items. Only ground (a) is pleaded. In this appeal it was the existing entrance, as opposed to the new one which was under consideration.

76. The field was rented out by the appellant company in September 2015 to a local expert dog trainer. Subsequently the open fronted timber field shelter was erected and a variety of moveable equipment was introduced to provide a dog agility course at the northern end of the field. The site is used both by the trainer for specific courses, as

well as being let out to group members for the exercising of their dogs and for them to use the agility equipment. All of the structures and equipment on the land can be readily removed without causing damage to the pasture land. At the time of my visit the agility equipment was limited to just two items but the field shelter was in place adjacent to the existing entrance.

77. There is no other planning history relating to the land and the planning application (now the subject of Appeal D) was refused on the basis that the use did not accord with Policy NW 10 (9) of the NWCS 2014 due to its *'unacceptable impact on the residential amenity of the nearest property by virtue of increased traffic, noise from activity at the site and the general appearance of the area introducing new development to an open field in the Green Belt'*.

78. The refusal of planning permission was against the planning officer's recommendation and, before the refusal the application had been to the Planning Board three times and had been deferred. The first deferral was so that members could visit the site and the other deferrals were due to requests for further information relating to highway safety. It seems to be agreed that the appellant and the Council officers had liaised and worked together with a view to resolving the highway issues.

79. It is confirmed on behalf of the appellant that there will be parking provision at the site for 10 vehicles. In February 2017 the Board had requested a highway consultant's report. This was provided and concluded that the existing access arrangements were not acceptable. This accorded with the WCCHA conclusion and recommended that a new access to the site was necessary. The new access was then set out as part of the application but members were stated to be still concerned about visibility issues.

80. Traffic survey and speed data which had been collated since the date of the application was submitted and referred back to the consultant. The May 2017 Board report stated that *'This data showed that an average speed of traffic-the 85%percentile- in a westerly direction was 38 mph and in an easterly direction was 39 mph. Although the national speed limit applies here, the actual recorded survey information shows traffic moving at a lower speed and thus the visibility splays required for a road with the national speed limit need not be applied and those applicable to the surveyed speeds are appropriate'*.

81. The Board report also indicated that *'In respect of concerns about noise, it should be recognised that the land lies immediately to the south of the M6 motorway and there is consequently a higher background noise level than would be found in countryside locations more remote from the motorway. With the limit on the number of dogs on site at any one time the Environmental Health Officer does not object to the development. It is considered that the effect on residential amenity of nearby properties would not be so significant that it would justify a refusal of planning permission'*. The Council recommended a limit of 10 dogs on the site at any one time.

Appeal C on ground (a) and Appeal D.

82. The main issues in both appeals are as follows:

- whether the development being carried out is inappropriate development in the Green Belt for the purposes of the NPPF and development plan policy,
- the effect of the development on the openness of the Green Belt,
- the effect on the character and appearance of the area,
- the effect on the living conditions of residents living close to the site, and,
- if the proposal does represent inappropriate development, whether the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other

considerations, so as to amount to the very special circumstances necessary to justify the development within the Green Belt.

Whether the use constitutes inappropriate development in the Green Belt

83. The Council's Board Report for application PAP/2016/060 refers to a dog training use being reasonably regarded as an outdoor sport/recreation. The report indicates that it is a use which facilitates access to the countryside and that it accords with Green Belt policy of the promotion of access to outdoor recreational opportunity. It states that the use clearly requires the use of open land and that it is akin to other recreational and animal related uses that are commonly located within rural areas. Other similar uses are referred to as being carried out in the locality.

84. Paragraph 89 of the NPPF indicates that the provision for outdoor sport and outdoor recreation are not inappropriate as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this case, I consider that the change of use from agriculture to use for dog training and exercising would not be inappropriate as long as the use preserves the openness of the green belt and does not conflict with the purposes of including land within it.

The effect of the change of use on the openness of the Green Belt

85. Any introduction of operational development or the introduction of recreational equipment on to open agricultural land is bound to have some effect on the 'openness' of the Green Belt. In this case the small shelter and the various items of agility equipment are noticeable physical elements which leave this part of the Green Belt less open than it was previously.

86. However, having seen the shelter and the equipment and their location on the site, I agree with the conclusions set out in the Board Report that they have not resulted in any undue intrusion into the 'openness' of this part of the Green Belt. The colours, the low form and the scale of the equipment, together with the small shelter, in my view, do not significantly detract from the perception of 'openness' within this field. The shelter is akin to a small stable and the photographs indicate that equipment is generally smaller than a series of horse jumps. The car parking area has the potential to impact on 'openness' more so than the other elements but the area is restricted to 10 spaces only.

87. The equipment is readily moveable and does not have the physical impact on 'openness' as would more permanent or larger structures. In conclusion on this issue, therefore I am satisfied that the 'openness' of this part of the Green Belt would be preserved and that the change of use does not conflict with any of the purposes of including land within it. It follows that this outdoor recreational activity is not inappropriate development within the Green Belt. The issue regarding very special circumstances does not need to be considered.

The effect on the character and appearance of the area

88. The site is well screened and enclosed by trees and hedgerows on all sides. In a rural area one expects to see outdoor recreational activities such as this and there are stated to be similar uses in the area. The equipment only occupies a small part of the field and if, as suggested in the Board Report, the equipment was sited close to the motorway, any visual impact would be kept to a minimum. The shelter is only just over 3m in height and in both positions, is well screened from views outside of the site. I also agree that the new access would be a visual improvement on what is currently in place where the elevated hardstanding cuts across the grass verge.

89. I do not consider that concerns about possible added signage, lighting (and generator) or additional visual clutter can carry much weight. Any such matters would require express consent and/or planning permission and the Council could take enforcement action against any future inappropriate or harmful additional development or alterations to a conditional approval. Overall, therefore I am satisfied that the character and appearance of the area is not so noticeably harmed so as to preclude the use of the site for this particular outdoor recreational activity.

The effect on the living conditions of nearby residents

90. The one reason for refusal relates to the effect on residential amenity and in its appeal statement the Council confirms that the decision was made against the officer recommendation. However, it indicates that the Council is not duty bound to follow the advice of officers and that it can take a different decision where it can clearly demonstrate, on planning grounds, why the use is unacceptable and where it can substantiate the reason(s) for refusal. It is stressed that the Councillors carried out a thorough objective assessment of the proposal; carried out a site visit and took into account the objections of the neighbours.

91. I have noted the objections of nearby residents (Moor House Lodge, Moor House and Moor House Bungalow) and the Parish Council and have noted their concerns, particularly those relating to the creation of undue noise and disturbance and the effects of noise due to an increase in traffic and the parking of vehicles. The Council now considers that loss of outlook is an issue which was not the case at the time of the Board Report. However, any outlook can only relate to what could possibly be seen from some upper floor windows and from what I saw of the nearby houses, such views of the site are limited. I have concluded that the Green Belt use is not inappropriate and that the character and appearance of the area will not be unacceptably affected. Apart from some views through the proposed new entrance and possibly from first floor windows, I cannot envisage residents having any distinctly noticeable views of equipment from within the boundaries of their properties.

92. From my inspection of the site and its immediate surroundings, I do not consider that the effect on residential amenity through loss of outlook is critical to the question of whether or not the change of use should be allowed. The main issues regarding the effects on living conditions relate to noise and disturbance from the activities on site; the increase in traffic and the question of the parking.

93. In objecting on noise grounds residents have referred to their experiences over the two year period (or so) that the dog training use has been operating. References are made to the shouting (or even screaming) of orders to dogs; the use of high pitch whistles and the inevitable and almost continual barking from very excited animals. Whilst acknowledging that there is background noise from the motorway, residents indicate that the high pitch noises and intermittent barking has resulted in sounds which are distinctly aurally noticeable over and above the low-pitch background traffic noise. The Council indicates that, even with a low level of usage, residents have been reporting noise disturbance from barking dogs, from the noisy activities of dog trainers and owners and from the comings and goings of the users of the land.

94. Concerns are also raised about potential noise associated with parking and the new access to the site. Residents refer to the additional traffic movements to and from the site, as well as the proximity of the new access and parking to the three nearest houses.

95. Having noted the relationship of the nearest dwellings to the site, I share the members'; residents' and the Parish Council's concerns about this particular use of the land. I acknowledge that the site is extremely well-screened by its boundary treatment

and I have already concluded that there is no significant impact on residential outlook. The houses are also very well screened from the road and, in effect, there is a double visual barrier between the land and the three dwellings.

96. Although there was no training going on during my visit, there is firm and incontrovertible evidence (based on two years of usage), from these immediate neighbours and others. They refer specifically to noise caused by barking dogs; what are referred to as 'screaming and shouting owners' and from high pitched whistles. These sounds are clearly to be expected when several dogs are together and in such conditions. I was informed during the site visit that the main training related to large dogs such as German Shepherd and Rottweiler breeds and that a lot of the activities took place in the evenings. The particular breeds of dog are not relevant in my view since the objections relate to the noise that any dog might make; that is barking. However, some larger breeds of dog are well known to have louder (if less high-pitched) barks.

97. I agree with the Council that in situations such as this the dogs are most likely to be excitable and that the owners can be quite firm and loud in shouting their orders to their animals or in using sharply piercing whistles. The motorway background noise is distinctly noticeable as a relatively low frequency; a continuous rumble. Dogs on the other hand generally have more highly-pitched sounding barks. From the evidence, these sharper sounds, together with high-pitched whistles (as well as shouting) are clearly being heard by the nearest residents over and above the low frequency rumbling background sound of the motorway.

98. Barking dogs can be a general nuisance in many situations and the residents' own dogs (where they have one) will no doubt bark when strangers approach the property. In fact this happened when I inspected the locations of the dwellings the day before the site visit. However, when such high-pitched barking sounds, along with shouting and whistling continue for the length of a training period, I consider that has resulted in environmental noise and disturbance that has become an annoying and disturbing irritant. I consider that it has been these prolonged periods of noise and disturbance during training sessions that have had a detrimental effect on residential amenity in the immediate vicinity of the site.

99. I acknowledge that the Council Officer had recommended approval and that this was a finally balanced decision. However, the officer conclusion was reached prior to the councillors' visit and after two deferments due to the seeking of further information. In any case I must make my own judgement on the basis of the submissions and my site visit and, having done so, I have reached the same conclusion as the members on the issue of noise and disturbance caused by the training and exercising use of dogs on this rural site.

100. I am also concerned about the proximity of the new entrance and the car park to the two dwellings, Moor House and Moor House Lodge. The entrance is located between the two houses and I consider that the comings and goings of vehicles; engine noise; the banging of car doors; the noise from users of the car park; the barking of dogs when being taken out of and returned to vehicles will all combine to result in further noise and disturbance for the residents of these two dwellings.

101. I have noted that at the consultation stage the Environmental Health Officer had expressed concern at the prospect of large congregations for activities such as dog shows but had not offered an objection in principle. The EHO was, however, concerned about the number of dogs using the site at any one time and had suggested a condition to limit the numbers. Residents had made complaints to the Council about the noise

nuisance, even when attendances at training sessions were low and presumably the EHO had been made aware of these.

102. On 15 May 2017, following the deferrals and a site visit the Planning and Development Board resolved to refuse the application on the basis that it was contrary to Policy NW10 (9) of the NWCS 2014 in that it would have an unacceptable impact on the residential amenity of the nearest property by virtue of increased traffic, noise from activity at the site and the general appearance of the use by introducing new development to an open field in the Green Belt.

103. I have disagreed with the view on the visual impact and found the development to be not inappropriate and that it would preserve the 'openness' of this part of the Green Belt. Despite these favourable findings, however, and for the reasons set out above, I consider that the effect on living conditions outweighs these other findings. In my view, the effect that the use has already had, and would continue to have, on the living conditions of the nearest residents (due to undue levels of noise and disturbance) is not acceptable in this particular rural location.

104. I agree, therefore, with the Board that the use is contrary to Policy NW10(9) of the NWCS, as well as to the NPPF which seeks to pursue sustainable development that involves positive improvements in the quality of the built and natural environment as well as in the quality of peoples' lives. This development is harmful to, rather than resulting in an improvement to the lives of existing residents and also results in a poor standard of residential amenity for existing and future occupants in this part of Chapel Green. Although it meets an economic role in terms of sustainability, it fails to perform a satisfactory social or environmental role. I conclude that the use is not sustainable and any presumption in favour of sustainable development is outweighed by the harm caused to residential amenity.

Overall conclusions Appeals C and D

105. For the above reasons I consider that Appeal C on ground (a) and Appeal D should both fail. The notice is upheld and planning permission is refused on both the deemed application and the retrospective (with amended site access) application. There are no other matters of such significance to alter my conclusions or to change my decisions in these two Appeals.

Appeal E, Notice 3 and Appeal F

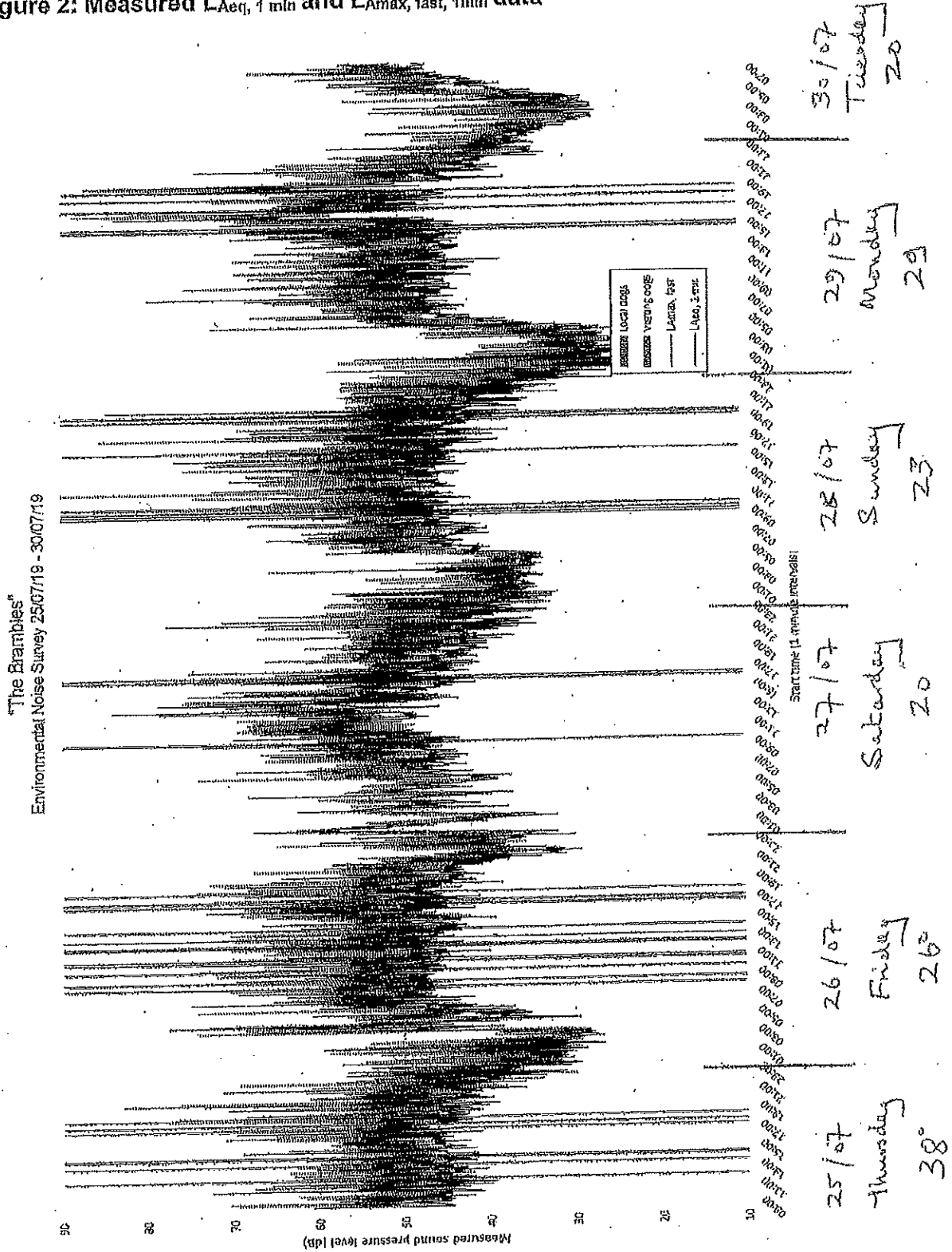
Introduction and background information

106. The planning permission was refused for the retention of the steel footbridge spanning between the access driveway off War Hill Road and the lawn on the south side of an old quarry pit (Warwickshire Local 02), together with the construction of a stepped wooden walkway and a timber-decked pathway to the restaurant entrance. The submitted plans had been amended but the Council indicates that they still have significant omissions and inaccuracies. The plans still do not indicate the full extent of the works carried out no reference is made to lighting or signage.

107. At the site visit I noted the overall construction of the bridge and the stepped timber-decked, timber post and pergola walkway. Close to where the walkway meets the restaurant entrance a small section of the walkway has had timber panels fixed on both sides and this forms a partially enclosed section of the walkway. I also noted the lighting stings attached to the timber structure and the signage to the restaurant. It would appear that the entrance to the northern car park was precluded from use by the public through other enforcement action. Nevertheless it was clearly in use for anyone to use at the time of my visit.

The Brambles, HP3 OPA
Noise from Dogs Barking

Figure 2: Measured $L_{Aeq, 1 \text{ min}}$ and $L_{Amax, \text{fast}, 1 \text{ min}}$ data





R: «refno»
 Dacorum Borough Council
 NUISANCE DIARY RECORD

Statement of (name):
 continuation sheet

DATE	TIME		DESCRIPTION OF CAUSE	RESULTANT EFFECT
	Start	Finish		
28.4.19	10.00	10.25	DOG BARKING	UNABLE TO ENJOY GARDEN
	11.21	11.35	" "	"
	12.05	12.05	" "	"
	12.15	12.17	" "	"
	15.30	15.35	" "	"
	16.05	16.05	" "	"
	16.40	16.45	" "	"
	17.10	17.15	" "	"
<hr/>				

(Signed):

(Signature witnessed by):

Re: Paddock for Paws- 4/00718/19/FUL

From: [REDACTED]

To: Elspeth.Palmer@dacorum.gov.uk

Bcc: [REDACTED]

Date: Monday, 5 August 2019, 21:07 BST

Hi Elspeth

Thank you for your email. I have found your letter of 2nd April 2019 which was filed with my letter to you of 24th April 2019.

I revert to our conversation this afternoon when you mentioned you were seeking amendments to the plans for the proposed barn at The Brambles. I will wait to see what is proposed before commenting.

You said you were seeking minor alterations elsewhere to the planning application. We are one of the nearest properties to Paddock for Paws in Flaunden Lane and I ask you kindly to take into account the nuisance we suffer on a daily basis. I very much hope you will follow the recommendations of the Bovington Parish Council and propose restricted hours along the lines set out in the minutes of the Parish Council of Monday 18th April 2019. I trust you will understand that I feel it is unreasonable to be expected to suffer this nuisance seven days a week!

I also note you are awaiting a noise report. I expect the findings of the report to be well within limits. My wife and I have been aware that the Marks's three dogs have not been in residence recently and the barking levels have been reduced. I suggest you treat this report with suspicion!

I should like to thank you in advance for your understanding.

Kind regards

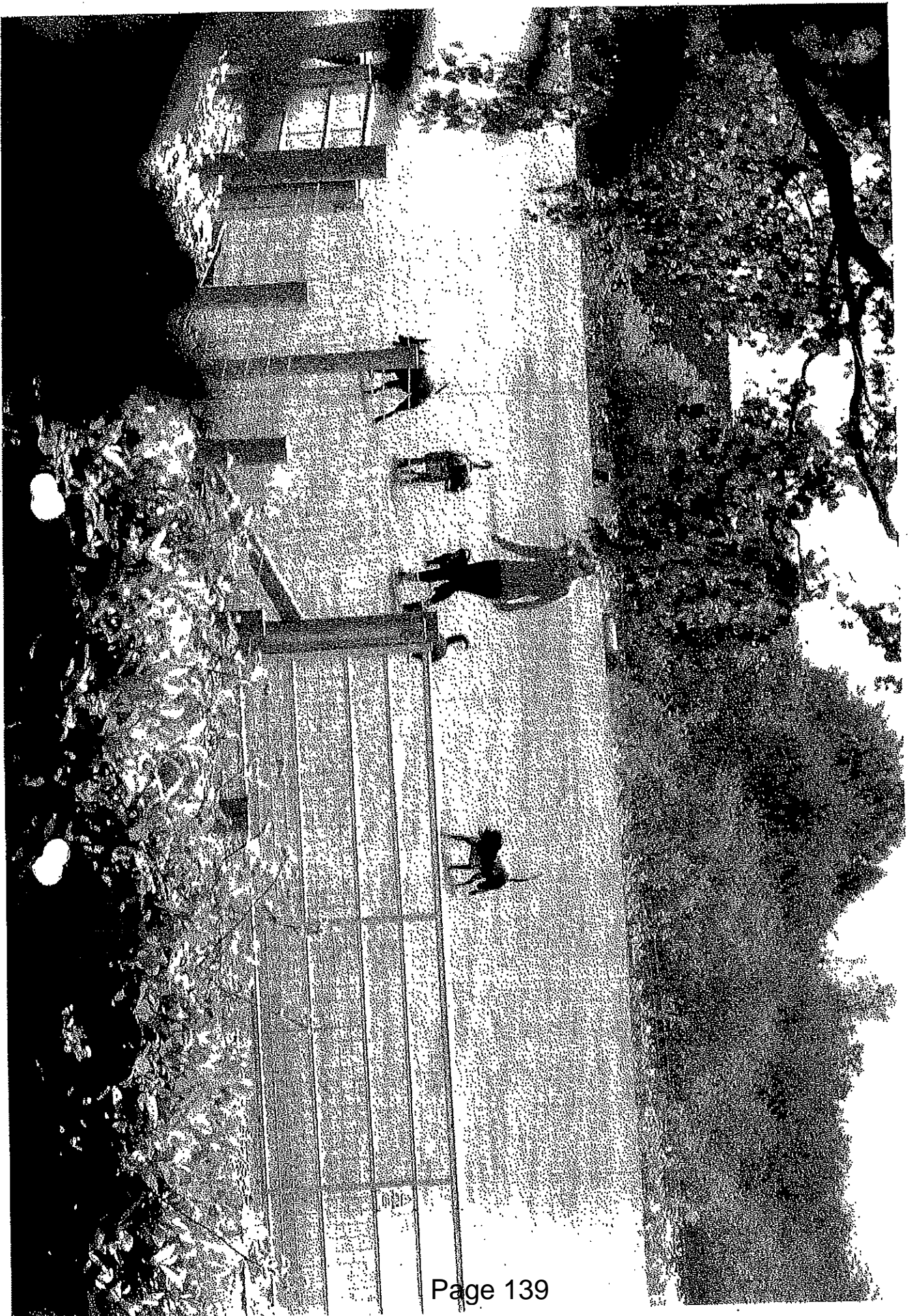
On Monday, 5 August 2019, 18:07:58 BST, Elspeth Palmer <Elspeth.Palmer@dacorum.gov.uk> wrote:

Hi Alan

I just checked our records and you were sent a letter on the 2nd of April regarding the application.

So you will be informed of any future amendments.

Kind Regards





Find messages, documents, photos or people



Hor

Compose

- ← Back
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RE: Dog faeces collection - Paddock for Paws HP3 OPA

Yahoo/Inbox



Olivia Stapleford <Olivia.Stapleford@daconum.gov.uk>

24 Jun at 16:05

[REDACTED]

I am afraid that I cannot answer that as it does not fall within my remit. Without wishing to sound like I am passing the buck, you will need to seek clarification from [REDACTED] on this point. I would have done this myself, however, I can see that she is out of the office at the moment.

[REDACTED] had briefly discuss this with the applicant earlier and she did admit to using the [REDACTED] nominator once by accident (she was unaware that she couldn't do this and stopped when asked by the Council) and that she has not done so since. I am afraid that he did not press any further as he was under the impression that she was obtaining confirmation on this from another department.

I will send [REDACTED] email so that she will pick this up when she returns to the office (I currently don't know when this will be).

- Views Hide
- 📷 Photos
- 📄 Documents
- 📄 Receipts
- ➡ Travel
- 📖 Tutorials
- 📁 Folders Show

Agenda Item 6

6. APPEALS UPDATE

A. LODGED

19/00013/T

Windsor Court Corner Hall Hemel Hempstead HP3 9AW

B. WITHDRAWN

4/00974/19/ENA	WWN	04/12/2019	18/04/2019	Honeybrook St Margarets Great Gaddesden Hemel Hempstead HP1 3BZ	27/11/2019
4/00976/19/ENA	WWN	04/12/2019	18/04/2019	Honeybrook St Margarets Great Gaddesden Hemel Hempstead HP1 3BZ	27/11/2019

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/00245/19/FUL	DIS	14/11/2019	Highlands Kings Road Berkhamsted HP4 3BP
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[APPEAL DECISION Highlands.docx](#)

F. ALLOWED

4/02993/18/FUL	ALW	29/11/2019	320a High Street Berkhamstead HP4 1HT	Costs Appeal Allowed
			Appeal Decision 320a High Street.pdf	Costs Decision 320a High Street.pdf



Appeal Decision

Site visit made on 20 August 2019 by **David**

Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2019

Appeal Ref: APP/A1910/W/19/3230140 Highlands, Kings Road, Berkhamsted HP4 3BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs A Wilton against the decision of Dacorum Borough Council.
 - The application Ref 4/00245/19/FUL, dated 31 January 2019, was refused by notice dated 1 April 2019.
 - The development proposed is construction of new dwelling and alteration/extension to existing dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are the effect of the development upon:
 - the living conditions of nearby residents with particular regard to outlook
 - the living conditions of future occupiers of the development, with particular regard to outdoor space.

Reasons

Living conditions of nearby residents

3. The appeal site comprises the private garden of Highlands. The land rises steeply from Kings Road and Newbury Grove, with a more gradual incline across the appeal site towards Oxfield Close. A belt of mature trees extends from the rear garden of the appeal site behind properties in Newbury Grove, Oxfield Close and Kingsdale Road. The appeal site itself is enclosed by hedgerows of varying height. Being open and undeveloped, the rear part of the appeal site is a landscaped setting that provides a sense of openness in the area and allows views to the surrounding trees.

4. A small number of dwellings back onto the appeal site. The rear facing windows on these dwellings predominantly look over their own respective garden areas but share the focal point of the appeal site. With the rising ground, the appeal site provides views to the sky, thus contributing to the sense of openness.
5. The proposed new dwelling would be constrained by the size and nature of the space, with its flank and rear walls in close proximity to the site boundaries.

Appeal Decision APP/A1910/W/19/3230140

Only a small proportion of the new dwelling would be single storey. The two storey elements are bold and stark, a feature of this contemporary design. The new dwelling, due to its location and massing, would both fill and remove the open nature of the space.

6. Whilst no-one has a right to a view, outlook should not be unduly obstructed or unacceptably harmed. With the appeal site on higher ground, the form, bulk and mass of the new dwelling would impose upon the skyline from the rear gardens of adjacent properties. With its close proximity to the appeal site boundaries, the new dwelling would be dominant within its space and impose itself upon the neighbour's gardens and outlook. The wide span and proportions of the dwelling would result in significant visual intrusion. The dwelling would be unduly assertive and over-dominant to residents of neighbouring properties, harming their outlook to an unacceptable degree.
7. My attention is drawn to the distances between the development and the neighbouring dwellings. However, the proposal would result in a substantial building intruding into an area which contributes to the outlook from the rear of neighbouring properties. Any mitigation of this intrusion offered by the separation distances from the rear elevations of existing dwellings would be reduced in effectiveness by the height of the dwelling on higher ground and the proximity to the site boundaries.
8. The appellant points out that modifications to the design of the new dwelling have followed an earlier refused application. Nonetheless, the overall bulk and mass of the dwelling remain and are central to this appeal. Whilst the hedgerows on all site boundaries would screen the development to a degree, it would not significantly reduce the visual impact the dwelling would have upon nearby properties.
9. I conclude that the proposal would cause unacceptable harm to the living conditions of existing occupiers with regard to outlook. This would be contrary to policies CS11 and CS12 of the adopted Dacorum Borough Council Core Strategy 2006 – 2031 (the Core Strategy). These policies, amongst other things, seek developments to respect adjoining properties.

Living conditions of future occupiers

10. I observed from my site visit that although the land rises steeply towards the appeal site, there are only gentle undulations on the site itself. There is certainly a stepped garden at present but not to a significant degree that renders any part of the existing garden area unusable or inaccessible to any potential user. From ground level, only glimpse views are available of other dwellings in the locality. The rear garden and grounds of Highlands are not therefore overlooked by any neighbouring occupier.

11. The new dwelling would be provided with separate parcels of garden space to the rear, but both are sizeable areas. A variety of hard and soft landscape surfaces are shown on the plans providing for different types of outdoor recreation. Whether taken individually or cumulatively, they would provide adequate outdoor space to support the future occupiers.
12. Whilst the existing property of Highlands would lose a substantial amount of its garden to the new dwelling, it would retain a proportion behind its associated garage. The space is of a reasonable size to support private recreation, again

with a mix of surfacing. The lack of a front garden would not diminish the ability of future occupiers to enjoy a quality outdoor space that is private and un-overlooked.

13. The layout of the site provides parking, turning and manoeuvring space for both dwellings. There are no readily apparent deficiencies in the level of provision for either dwelling. The layout of the site is broadly comparable to other dwellings in the locality.
14. I conclude that the proposal would not cause harm to the living conditions of future occupiers with regard to outdoor space provision. The proposal does not therefore conflict with policies CS11 or CS12 of the Core Strategy, that seek to enhance spaces between buildings and provide sufficient servicing space.

Other Matters

15. I note from the Local Planning Authority (LPA) appeal statement that there is no objection to the proposed remodelling and extension works to the dwelling of Highlands, taken in isolation. I note modifications have been made to the design following an earlier refused application and dismissed appeal.
16. Although the extensions would raise the height of Highlands, this element of the appeal development would take place on the existing built-up part of the site. Highlands is a modest distance away from the nearest neighbouring properties of Ibthorpe, Treetops and The Orchard. The remodelled Highlands would also be at a very oblique angle to No 10 Oxfield Close. It would not therefore intrude unacceptably into the outlook of neighbouring occupiers. I conclude that this element of the proposal would not be harmful to the living conditions of these existing occupiers. However, the whole application is before me at this appeal and I have found harm in other respects.
17. The appellant notes the proposal would not cause a loss of light nor a loss of privacy to neighbouring occupiers, and has made reference to the BRE assessment method. However, a lack of harm in these respects is not a benefit and so I attach little weight to these matters.
18. My attention is drawn to a number of planning permissions in the local area whereby back land or 'tandem' development has taken place. However, there is no objection raised from the LPA with regards to this type of development in this instance. Whilst these other decisions show an increasing density, they do not share the landscape characteristics of the appeal site. In any case, each application and appeal should be determined on its own merits.

Conclusions

19. Notwithstanding my conclusions with to the living conditions of future residents, I conclude that the proposal would harm the living conditions of nearby residents with regards to outlook. The proposal will therefore conflict with the development plan as a whole with regards to the quality of neighbourhood and site design and the effect on nearby properties.

20. The appeal is dismissed.

David Wallis

INSPECTOR



Costs Decision

Site visit made on 7 August 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2019

Costs application in relation to Appeal Ref: APP/A1910/W/19/3227871 320a High Street, Berkhamsted, HP4 1HT

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Philip Dean Limited on behalf of Mr S Williams for a partial award of costs against Dacorum Borough Council.
 - The appeal was against the refusal of planning permission for Change of Use and conversion of existing ground floor from veterinary practice into a two-bedroom flat; Roof extension at first floor to increase size of existing first floor flat to a larger two-bedroom flat; Erection of two new-build two-bedroom apartments to the rear facing St.Johns Well Lane; Provision of car parking for five vehicles, five-bay cycle store and waste refuse store.
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Decision

1. The application for a partial award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Appellant submits that the Council has acted unreasonably in that it has gone against the advice of its professional officers without good reason and has prevented and delayed development which should clearly be permitted. The appellants contend that the Council failed to substantiate the objections on the grounds of loss of social infrastructure and has provided information that is manifestly inaccurate or untrue because the veterinary practice does not constitute part of social infrastructure. Further, the Council states that the loss of the veterinary practice would adversely affect the vitality and vibrancy of Berkhamsted town centre, which the appellant disputes due to the location of the appeal site outside the defined town centre. The appellants consider that the Council has acted unreasonably and the appellant has been put to unnecessary costs.
4. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

5. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
6. While the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached, the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
7. In this case, the planning officers confirmed in their report to committee that the site is located within a residential area of Berkhamsted and that it does not fall within a General Employment Area and is not protected for employment use retention. Notwithstanding the letters of objection, there is no evidence to counteract the evidence provided by the appellants which concludes on the compliance of the development with policy.
8. In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and other material considerations, the development proposed should reasonably have been permitted. The refusal of planning permission on the two grounds described therefore constitutes unreasonable behaviour contrary to the basic guidance in the National Planning Policy Framework and the PPG and the appellant has been faced with the unnecessary expense of lodging the appeal.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Dacorum Borough Council shall pay to Mr S Williams, the partial costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to Dacorum Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Rebecca Thomas

INSPECTOR



Appeal Decision

Site visit made on 7 August 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2019

Appeal Ref: APP/A1910/W/19/3227871

320a High Street, Berkhamsted, HP4 1HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steven Williams against the decision of Dacorum Borough Council.
 - The application Ref 4/02993/18/FUL, dated 27 November 2018, was refused by notice dated 26 February 2019.
 - The development proposed is Change of Use and conversion of existing ground floor from veterinary practice into a two-bedroom flat; Roof extension at first floor to increase size of existing first floor flat to a larger two-bedroom flat; Erection of two new-build two-bedroom apartments to the rear facing St. John's Well Lane; Provision of car parking for five vehicles, five-bay cycle store and waste refuse store.
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Decision

1. The appeal is allowed and planning permission is granted for Change of Use and conversion of existing ground floor from veterinary practice into a two-bedroom flat; Roof extension at first floor to increase size of existing first floor flat to a larger two-bedroom flat; Erection of two new-build two-bedroom apartments to the rear facing St. John's Well Lane; Provision of car parking for five vehicles, five-bay cycle store and waste refuse store at 320A High Street, Berkhamsted, HP4 1HT in accordance with the terms of the application, Ref 4/02993/18/FUL, dated 27 November 2018, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Philip Dean Ltd. on behalf of Mr S Williams against Dacorum Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area and the Berkhamsted Conservation Area (CA);
 - The effect of the development on the living conditions in particular outdoor amenity space for future occupiers and to neighbouring properties with regard to outlook; and

- The effect of the proposal on local community facilities.

Reasons

Character and appearance

4. The appeal site is an extension to an existing Victorian property, constructed of matching red brick with slate roof extension located on a corner plot on the junction of St. John's Well Lane and the High Street. The site extends along St. John's Well Lane, and includes the existing car park and site access from this road. The proposed development would include the conversion of the existing brick building and its extension to the roof and rear, making use of part of the car park area. The proposed extension would be modern in design, making use of brick and aluminium detailing.
5. The site is at the edge of the High Street area, where the intensity of high street uses is clearly changing, with residential properties dominating and various types of business scattered throughout. On the opposite side of the road is a small telephone exchange and the access to the Waitrose supermarket. At the time of my site visit, there was a vacant premises which appeared to previously have been used for a restaurant.
6. The site falls within the Berkhamsted CA. The CA, in its entirety, is a designated heritage asset. The statutory duty within Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, which requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas, applies.
7. This part of the CA is characterised by red brick buildings with modern additions interspersed. The appeal site would result in the addition of a modern extension to the existing building (which has previously been extended). Whilst the extension would be modern, it would provide a contrast between the existing and the new, enabling the original building to be easily identified. In addition to this, the changing levels of the road would result in an extension which remains at lower levels to the existing. The careful use of design and materials, combined with the lower level of the extension would result in an addition to the CA which contributes to its character and appearance.
8. The proposed development would extend the rear of the building alongside St Johns Well Lane, and would look out onto this road. I have had regard to the mixed architecture on St Johns Well Lane which varies and is of modern design. Given that the predominant Victorian character of the appeal site is facing the High Street, and that the appeal proposals would not affect this elevation, the development would therefore offer a modern addition to St Johns Well Lane which has a more varied architecture type and quality.
9. Policy CS27 of the Dacorum Core Strategy (2013) 'the Core Strategy' and Saved Policy 120 of the Dacorum Borough Local Plan (2004) 'the Local Plan' both seek the preservation of the setting and distinctiveness of heritage assets.
10. The National Planning Policy Framework ('the Framework') states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to the conservation of the heritage asset. New development should respond to local character and history, add to

- the overall quality of the area and be visually attractive as a result of good architecture and landscaping.
11. The buildings at numbers 320 and 322 High Street are identified as Locally Listed Buildings, or Non Designated Heritage Assets (NDHA). The Framework is clear that the effect of an application on the significance of a NDHA must be taken into account and that a balanced judgement will be required with regard to the scale of any harm or loss and the significance of the heritage asset.¹
 12. The frontages of these buildings display Victorian features with few modern interruptions to the traditional form and materials. The appeal proposals would be located to the rear of the modern extension to the existing building, and the new buildings would display a contrast to the original building. These changes in designs combined with the development taking the opportunity of the changes in land levels would ensure that there is a contrast between the original and the new. The proposed development would be seen in the context of the original building, without disrupting its traditional frontage which is a key characteristic of this part of the CA and the NDHAs. As such the development would not harm the character and appearance of the CA.
 13. Whilst the development proposed would result in additional built form over the site, the development would make use of the existing hardstanding area of the car park and does not breach the plot size or boundary. The site is located close to the nearby telephone exchange and modern apartment building and the development would offer the opportunity to provide frontage interest to St Johns Well Lane.
 14. The retention of the site access and the heights of the buildings reflecting the changes in land levels here would enable the site to retain some sense of openness. The plans indicate that the boundary hedge and trees would not be lost as a result, and as such the green nature of the site which contributes to the sense of spaciousness would not be altogether lost.
 15. The Council's committee report finds that the density of dwellings is in accordance with the Berkhamsted Urban Design Assessment (2010), confirming that side streets within the town centre should have high densities, with the potential for very high densities in block sites. Thus, the increase in density accords with the Urban Design Assessment and is appropriate in this location, given the proximity to the town centre.
 16. Policy CS10 of the Core Strategy expects new developments to promote higher densities in and around town centres and to demonstrate successful design. Therefore the proposed development accords with this policy. Policy CS12 expects high quality site design, including integration with the streetscape character and soft screening of settlement edges. As discussed above, these criteria of this policy are met. Other criteria are more relevant to neighbouring properties and so this is discussed below.
 17. With the above in mind, the characteristics and the appearance of the CA would be preserved as would those of the NDHA. Therefore I find that the proposal would be in accordance with policies CS10, CS12 and CS27 of the Core Strategy and Policy 120 of the Local Plan which seek to conserve the historic environment, including NDHAs and their settings.

¹ Paragraph 197

18. Taking into account the above considerations, I find no conflict with the policies found in the Framework, which seek to secure developments which are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change.

Living Conditions – Neighbouring properties

19. The outlook from the ground floor windows to No. 320 are described as serving a basement and are set at a level lower than the neighbouring buildings. I was able to see at my site visit that there is access to the first floor via the raised deck and stairs to the side. The side windows to the first floor currently have an outlook towards the appeal site, comprising the side wall and roof of the appeal site. There are further windows to the rear of No. 320.
20. The proposed development would extend the existing rear section of the appeal building to meet the height of the building, which is the current outlook for No.320. The pitch would match the existing dual pitch, facing away from the neighbour's building and as such the outlook is not altered significantly. I have also had regard to the additional windows to the rear of the building at first floor of No.320, which would remain unaffected and would continue to provide the additional outlook and source of light.
21. The application documents included a Daylight and Sunlight Assessment which has concluded that a sufficient level of daylight and sunlight would be secured to 19 of 21 windows at No.320. I acknowledge that the side kitchen door and adjacent window would fall short of the daylight and sunlight standards as set out in the BRE standards, however the Council confirms that these are secondary windows and the room is served by two unaffected rear windows and as such the affected room would have sufficient daylight and sunlight. The appeal site is located to the east of the garden to No.320 and as such the additional built form would not create significant loss of sunlight due to this orientation. There would be very limited additional loss of sunlight or outlook to the raised deck area due to its existing location between the buildings.
22. The proposed development would result in two side-facing windows serving a kitchen and en-suite bathroom. Taking into account the changes in levels, the extent of overlooking between the properties would be increased slightly however would not be direct. The function of these rooms also means that the amount of overlooking would be limited.
23. Whilst the development would create additional built form, the distance to the boundary with No.320 combined with the lower height of the proposed development would ensure that there is no unacceptable overbearing to the garden area of that neighbour. The sense of openness would be reduced, however the distance between the development and the boundary would not be altered. The development would include a green roof and horizontal planting to the elevation, combined with rooflights. This would contribute to breaking up the additional built form, adding interest and softening the effect of the proposed development.

Living Conditions – Future occupiers

24. The appeal proposal would provide a communal garden area for Flats A and B to the front of the property. Flats D and E would be provided with small patio areas to the ground floor.
25. Policy CS12 of the Core Strategy expects developments to provide (amongst other things) sufficient space for servicing, maintenance and parking. Whilst the policy requires developments to respect neighbouring properties in terms of their landscaping and amenity space, the policy does not insist on providing private amenity space for all dwellings. Appendix 3 of the Local Plan expects a good standard of privacy for new occupants and sets out suggested space requirements for gardens. However, there are no set garden areas space standards for various types of developments. Appendix 3 accepts that reduced rear garden depths may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity, to open land, public open space or other amenity land.
26. I have considered the requirements for amenity and garden space as set out in policy CS12 and consider that there are various factors which demonstrate that the proposed development would adhere to the policy. Whilst the outdoor space is limited, the dwellings would be centrally located in Berkhamsted and within easy walking distance of the canal and easy reach to other local leisure facilities. Given the town centre location of the site, the location is also close to public transport routes providing access to wider leisure and community facilities. I am not persuaded that the reduced garden space would be so significant as to demonstrate harm to the living conditions of future occupiers.
27. Thus, despite the additional built form, the proposal would still accord with the overall amenity protection and design aims of policy CS12 from the Core Strategy and Appendix 3 of the Local Plan.
28. The proposal would also accord with The Framework at paragraph 127 which requires all development to create places which promote well-being and a high standard of amenity for all.

Community facilities

29. The Council's objection is that the loss of the veterinary surgery would result in the loss of an important piece of social infrastructure which provides a valuable service to the local community and contributes to the vitality and vibrancy of Berkhamsted Town Centre. It is submitted that the level of local objection to the loss of the veterinary practice was overwhelming, and is indicative of the high value of the surgery to the local community.
30. The appeal site, whilst located in the residential area of the town is also immediately adjacent to the town centre area as identified by the Proposals Map from the Local Plan as shown in the Council and appellant statements. I accept the Council's assertion that the site is located on the fringes of the town centre and residential areas, and as such whilst there are clearly identified areas in the Proposals Map, it is reasonable to conclude that these boundaries are somewhat fluid.
31. Policy CS 23 of the Core Strategy seeks to protect Social Infrastructure, including the protection of existing facilities. The policy in part is to protect and provide community services, with an emphasis on young people and the

- elderly. The policy explains that specific facilities had been identified including new large community centres/halls and space for local faith groups, as well as cultural centres and more open space.
32. Whilst there would be a loss of the veterinary services and facilities, the Council confirms in its officer's committee report that the site is not protected for employment purposes and is not listed for protection as a community asset. I have also taken into account that there are other veterinary practices nearby, including the town centre, and nearby settlements. The veterinary practice does not directly meet the aims of Policy CS 23 either by providing services for young people or the elderly, and would not provide any of the types of space as identified.
33. Nonetheless, there is some merit in considering the indirect benefits of being able to maintain pet health, as a part of the general wellbeing achieved by pet owners. However, this is a service that is uniquely available only to pet owners who choose to use this particular practice and does not provide a wider community benefit as appears to be the tone of Policy CS 23.
34. At the time of my site visit, the building was actively in use as a veterinary practice. I noted another veterinary practice within the town centre, reasonably close by on foot. Although the loss of the veterinary practice may result in existing users having the inconvenience of having to walk a slightly greater distance to other facilities, I do not regard such inconvenience as a clear threat to the viability and vitality of the town centre, nor to the general social infrastructure of the community.
35. I acknowledge the benefit of the site providing employment and the well-established nature of the veterinary practice. However I am not provided with evidence which suggests that the existing practice could not re-locate within Berkhamsted or its immediate surroundings. In these circumstances the loss of the surgery in this location would not have a harmful impact. It would, however, result in more people living locally and this would be more likely to contribute to the local area being sustained. I therefore find no conflict with Policy CS23 of the Core Strategy.

Planning Balance

36. Bringing together my conclusions on the main issues I have found that the site lies in a sustainable location where new development involving means of travel other than by car should be encouraged. I have also found that the proposal would not clearly harm accessibility of the town centre of Berkhamsted or the vitality or viability of the centre but would be more likely to contribute to these latter factors.
37. Overall I find that the proposal would accord with the relevant provisions of the core strategy and local plan. Further, I have found that the proposal accords with the Framework in terms of the location of new development and this national guidance also indicates that the planning system should deliver a wide choice in the type of homes available locally to meet the different needs of different groups. I am therefore satisfied that the proposal constitutes sustainable development.
38. The accord of the proposal with the development plan and the Framework when read as a whole is not outweighed by any other consideration and the

Framework indicates in paragraph 11 that such development should be approved without delay.

Other Matters

39. I have had regard to the objections raised in relation to the proposal. Reference has been made to legal rights of access across the appeal site to the occupiers of number 320 High Street. However, these are private matters to be resolved by the parties and are therefore not relevant to my decision.
40. The plans before me show provision for parking and turning on site for the proposed dwellings. Given the central location of the site, close to bus stops and the railway station, I find no harm in terms of increased parking pressure in the area. I also find no reason to conclude that the changes to the site access would be harmful to highway safety or the safety of pedestrians nor would the increase in vehicle movements from one additional dwelling be harmful. I note the Council similarly raised no concerns in respect of these matters.
41. I note the objections raised to the proposal by other interested parties and the comments made have already been addressed in my reasoning above.

Conditions

42. The Council suggests 11 conditions. The three year period in which the planning permission may be implemented is a statutory requirement (1). I consider that it is necessary in the interests of clarity to specify the plans that are approved and that the development shall be undertaken in accordance with these unless further modified by any condition set out below (2).
43. I consider that it is necessary to confirm the details of the materials to be used and the external metal work, finishes and detailing in order to protect the character and appearance of the local area, the CA and the NDHA (3 and 4). A condition to ensure the green roof maintenance is also appropriate in the interests of the protection of the CA and the character and appearance of the local area (8).
44. In the interests of any archaeological finds during construction, I have imposed conditions to secure a written scheme of investigation and its implementation to ensure recording of archaeological evidence (5 and 6).
45. It is reasonable and necessary to impose a condition to ensure the retention of obscure glazing to the windows in the western elevation in the interests of the privacy of occupiers of neighbouring properties (7).
46. I have imposed a condition to ensure that soft and hard landscaping is detailed and approved in order to protect the character and appearance of the local area and the CA and this includes ensuring the maintenance of any planting (9 and 10).
47. It is also necessary to impose a condition to ensure that the parking spaces are laid out and retained as proposed in the interests of highway safety (11).

Conclusion

48. For the reasons given above and taking all other matters into account I conclude that the appeal should be allowed.

Rebecca Thomas

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved documents all from the STJOHNS/PA series: 013/Rev.04; 015/Rev.04; 016/Rev.04; 018/Rev.03; 019/REV.03; 020/Rev.03;021/Rev.03; 022/Rev.03.
- 3) Prior to commencement of development, full details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The materials submitted should include details of: bricks; brick bond and mortar; rooflights; roof tiles; joinery and rainwater goods. The development shall be carried out and retained in accordance with the approved details.
- 4) Prior to commencement of the development hereby permitted, full details of all external metalwork, finishes and detailing including feature bronze panels, the windows and trellis features hereby approved, shown at a scale of 1:20, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with the approved details.
- 5) Prior to commencement of the development hereby permitted, a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:
 - i. The programme and methodology of site investigation and recording;
 - ii. The programme and methodology of site investigation and recording as suggested by the evaluation;
 - iii. The programme for post investigation assessment;
 - iv. Provision to be made for analysis of the site investigation and recording;
 - v. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - vi. Provision to be made for archive deposition of the analysis and records of the site investigation;
 - vii. Nomination of a competent person or persons/organisation to undertake the works set out in the Written Scheme of Investigation.
- 6) Demolition and development shall take place in accordance with the Written Scheme of Investigation referred to and approved under condition 5. Prior to occupation the site investigation and post investigation assessments shall have been completed in accordance with the programme set out in the Written Scheme of Investigation as set out in condition 5 and the provision

made for analysis, publication and dissemination of results and archive deposition has been secured.

- 7) The development hereby permitted shall not be occupied until the windows at the western elevation have been fitted with obscured glazing and once installed the obscured glazing shall be retained thereafter.
- 8) Prior to the occupation of the development hereby permitted, a Green Roof Maintenance Plan shall be submitted to and approved in writing by the local planning authority. This shall detail the ongoing maintenance and specification of the green roof hereby permitted as part of the development. Details shall include cleaning and general maintenance works/checks and procedures and timescales which shall commence following completion of the development hereby permitted and shall be carried out in accordance with the approved details.
- 9) Prior to the occupation of the development hereby permitted full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:
 - Hard surfacing materials;
 - Positions, design, materials and type of boundary treatments to be erected;
 - Soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - Trees to be retained and measures for their protection during construction works;
 - Storage of refuse provision for the dwellinghouses;
 - Proposed finished levels or contours; and
 - Scaled drawings and details of the barrier to the parking area.

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

- 10) All planting, seeding or turfing and soil preparation comprised in the approved details condition 7 shall be carried out in the first planting and seeding seasons following one year post implementation of the development hereby approved. Any trees or plants which, which, within a period of five years from this date die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless agreed otherwise in writing by the local planning authority. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the local planning authority.
- 11) The car parking spaces to be provided shall have measurements of 2.4m x 4.8m respectively and shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.