



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

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

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

Membership

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

If you are having problems connecting to the virtual meeting, please phone the clerk on 01442 228490.

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

AGENDA

1. MINUTES

To confirm the minutes of the previous meeting.

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

Members of the public or press who wish to attend the meeting remotely must make a request in writing to the Assistant Director (Corporate and Contracted Services) by emailing member.support@dacorum.gov.uk by 5pm on the Wednesday preceding the meeting.

Members of the public may view/listen to the meeting or may register to speak.

Members of the public wishing to make statements or ask questions should do so 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.

5. INDEX TO PLANNING APPLICATIONS

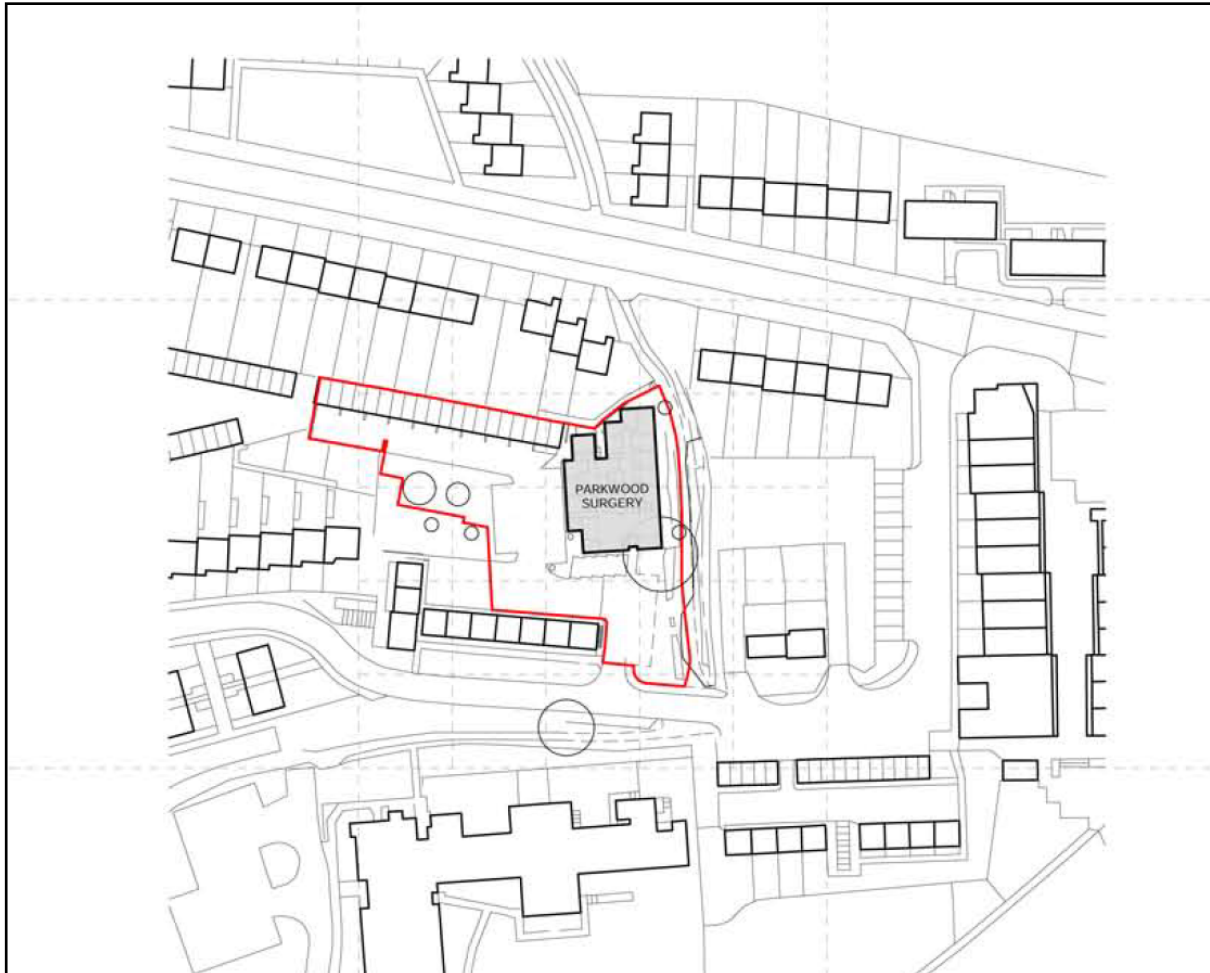
- (a) 20/00212/FUL - Demolition of Garages, Two-Storey Extension and Alterations to Existing Medical Centre, and Associated Works. - Doctors Surgery Parkwood Drive Hemel Hempstead Hertfordshire HP1 2LD (Pages 5 - 33)
- (b) 19/03134/FUL - Demolition of existing bungalow to be replaced by the erection of a terraced row of four residential dwellings, to include all associated works. - 96 Longfield Road Tring Hertfordshire HP23 4DE (Pages 34 - 55)
- (c) 20/00150/FUL - Proposed 20m mast and associated cabinets at Corner of Shenley Road and Elstree Road to replace existing 14.70m Mast and cabinets on Shenley Road" - Land ADJ 1 Elstree Road Hemel Hempstead Hertfordshire HP2 7NE (Pages 56 - 84)
- (d) 20/00273/FUL - Removal of double-decker bus and archery area and placement of two field shelters and one shipping container on camping and leisure land. - 10 Brownlow Farm Barns, Pouchen End Lane, Hemel Hempstead Hertfordshire, HP1 2SN (Pages 85 - 94)
- (e) 20/00419/FUL - DEMOLITION OF THE EXISTING BUNGALOW AND CONSTRUCTION OF A NEW DWELLING AND GARAGE - TWO BAYS, LONG LANE, BOVINGDON, HERTFORDSHIRE. HP3 0NE (Pages 95 - 104)
- (f) 20/00460/FHA - Two Storey Side Extension, Single Storey Rear Extension and Balcony - Cloverleaf, Chapel Croft, Chipperfield (Pages 105 - 112)
- (g) 20/00566/RET - Retention of timber enclosure/fencing. - 33 Bulbourne Court Tring Hertfordshire HP23 4TP (Pages 113 - 124)
- (h) 20/00524/FHA - Proposed ground floor rear and side infill extension, floor plan redesign and all associated works. - 7 Queens Road Berkhamsted Hertfordshire HP4 3HU (Pages 125 - 132)

6. APPEALS (Pages 133 - 140)

Item 5a 20/00212/FUL

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

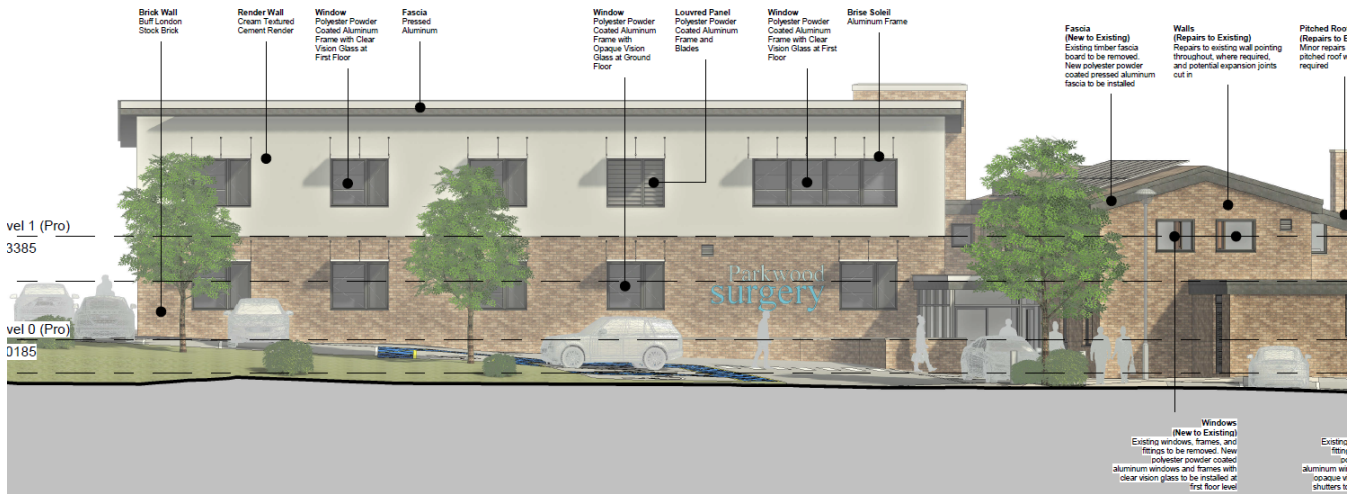
Doctor's Surgery, Parkwood Drive, Hemel Hempstead, HP1 2LD



Item 5a 20/00212/FUL

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

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



ITEM NUMBER: 5a

20/00212/FUL	Demolition of Garages, Two-Storey Extension and Alterations to Existing Medical Centre, and Associated Works.	
Site Address:	Doctors Surgery Parkwood Drive Hemel Hempstead Hertfordshire HP1 2LD	
Applicant/Agent:	Mr NORMINGTON	
Case Officer:	James Gardner	
Parish/Ward:		Chaulden And Warners End
Referral to Committee:	Objection received and DBC has an interest in land	

1. RECOMMENDATION

That planning permission be **GRANTED**.

2. SUMMARY

2.1 The location of the site is considered appropriate for the provision of enhanced medical facilities, Policies CS4 and CS23 being supportive of community facilities.

2.1.1 The impact on nearby dwellings has been considered and, subject to the inclusion of a planning condition requiring the first floor windows on the northern elevation to be permanently fitted with obscure glazing and non-opening below 1.7 metres from finished floor level, the impacts on privacy would be minimal. Owing to the low eaves height and overall distance from the dwellings to the north, it is not considered that any loss of daylight and sunlight would be so severe as to weigh in favour of a refusal of planning permission.

2.1.2 The level of parking provision is considered to strike an appropriate balance between sufficient parking and encouraging patients / staff to utilise more sustainable methods of transport. There would be no significant adverse impacts on the highway network, and Hertfordshire Highways have raised no objections.

3. SITE DESCRIPTION

3.1 The application site comprises an area of approximately 0.27 hectares and is currently occupied by single-storey garages with associated concrete hardstanding and an existing medical centre.

4. PROPOSAL

4.1 Planning permission is sought for demolition of existing single-storey garages and the construction of a two-storey extension to the existing Parkwood Drive medical centre. The extension would be of two-storey construction and positioned at roughly 90 degrees to the existing building. It would measure approximately 25m (L) x 10.35m (W) with a maximum height of 7.25m. A roof with a shallow pitch is proposed to be utilised. The building would be externally finished in a mixture of brick, render and include powder coated aluminium windows. The proposal also includes the provision of a reconfigured parking area, alterations to the boundary treatment, installation of lighting security lighting, and the installation of solar panels on the existing roof slope of the surgery.

5. PLANNING HISTORY

4/00743/16/FUL - Side and rear extension

GRA - 11th July 2016

This application was relatively modest and did not provide a significant amount of additional space.

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
CIL Zone: CIL3
Former Land Use (Risk Zone): Petrol Station, Warners End Road, Hemel Hempstead
Parish: Hemel Hempstead Non-Parish
RAF Halton and Chenies Zone: Green (15.2m)
Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)
Smoke Control Order
Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. 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

Dacorum Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 – Sustainable Transport
CS9 – Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of the Public Realm
CS23 – Social Infrastructure
CS29 – Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality

Dacorum Local Plan

Policy 13 - Planning Conditions and Planning Obligations
Policy 51 - Development and Transport Impacts
Policy 57 - Provision and Management of Parking
Policy 58 - Private Parking Provision
Policy 62 – Cyclists
Policy 99 - Preservation of Trees, Hedgerows and Woodlands

Policy 113 - Exterior Lighting

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

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; and
The impact on highway safety and car parking.

Principle of Development

9.2 Policy CS4 (The Towns and Large Villages) of the Dacorum Core Strategy states that “*Non-residential development for small-scale social, community, leisure and business purposes is also encouraged, provided it is compatible with its surroundings.*”

9.2.1 Policy CS23 (Social Infrastructure) states that “Social infrastructure providing services and facilities to the community will be encouraged.” and clarifies that new infrastructure will be:

- Located to aid accessibility; and
- Designed to allow for different activities.

9.2.2 Paragraph 92 of the National Planning Policy Framework (NPPF) states that, to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, amongst other things:

- Plan positively for the provision of community facilities; and
- Ensure that established facilities and services are able to develop and modernise and retained for the benefit of the community.

9.2.3 Whether the development is small-scale is very much a matter of interpretation. The application does not fall to be considered as a major application, as the site area is not large enough, but in terms of size and extent of built development, it would be hard to argue that the surgery extension is small-scale. Nonetheless, it is important to have regard to the context; specifically, the fact that the application site is in close proximity to the Warners End Local Centre wherein, in accordance with Policy CS4, social and community uses are acceptable without restraint. The site is also currently occupied by an existing doctor’s surgery, which in itself is not small-scale in nature. While the area may be designated as residential, the immediate vicinity is not imbued with a strong residential character; rather, it is characterised by an electrical substation, garage forecourt and lock-up garages. It is also relevant to note that the application site is located within an urban area of Hemel Hempstead, where development is to be expected to be primarily located, in accordance with Policy CS1 of the Dacorum Core Strategy.

9.2.4 This application seeks to cater for latent demand for GP services within the area whilst accommodating growth arising from new residential development and an anticipated requirement for the surgery to increase its patient list from 17,550 to in excess of 20,000 patients. The surgery is

currently operating significantly above the average capacity for Hertfordshire surgeries (34.5 patients/m² against 21 patients/m²), and therefore is in need of expansion in order to cater for its existing patients.

9.2.5 Given the policy support found within CS4 and CS23 for social infrastructure, it is considered that a compelling argument can be made in support of the proposal. Policy CS4's encouragement for small-scale non-residential development in residential areas does not mean that medium-scale development is unacceptable; rather, it is merely not actively encouraged and can, subject to being compatible with its surroundings, be acceptable.

9.2.6 As a result, the development is considered to accord with the Policies CS4 and CS23 of the Dacorum Core Strategy and paragraph 92 of the NPPF.

Quality of Design / Impact on Visual Amenity

9.2.7 Policies CS11 and CS12 of the Dacorum Core Strategy seek to ensure that, amongst other things, development preserves attractive streetscapes, incorporates large areas dominated by car parking and integrates with the streetscape character.

9.2.8 The design of the extension has been influenced by the physical constraints of the site and the requirement that the surgery remain operational throughout the course of the building works.

9.2.9 The building would differ considerably in design from the dwellings located on Long Chaulden, yet this is to be expected given its intended use as doctor's surgery.

9.2.10 Buff brick and cream textured cement render are proposed to be utilised for the external finishes of the extension. The area is of mixed character and therefore it is not considered that this design approach is flawed. The mixture of brick and render would provide a level of visual interest.

9.2.11 The site is currently occupied by a number of single-storey Council garages and an associated concrete hardstanding. Whilst low and reasonably unobtrusive, the garages are not synonymous with a high quality urban environment. The new building would go some way to revitalising the area and providing a clear and necessary public benefit – i.e. greater GP capacity.

9.2.12 Approximately 95m² of green space and 2 trees would be lost in order to provide an acceptable level of parking. The location of the green space (in close proximity to cars and dwellings) and its limited size effectively precludes the use of it for any meaningful outdoor pursuit or recreational activity. The green space would not be lost in its entirety. An area of approximately 288m² would be retained and therefore the visual buffer of the green space between the parking areas and the buildings to the south and south-west would remain. Therefore, the loss is not considered to be unacceptable. The benefits of the removal of the utilitarian garages, coupled with the provision of one replacement tree and some minor enhancements to the landscaping near the site entrance, are considered to outweigh any harm arising from the loss of the green space.

9.2.13 The development is therefore considered to be comply with Policies CS11 and CS12 of the Dacorum Core Strategy.

Impact on Residential Amenity

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

Loss of Privacy

9.2.15 Specific guidance on privacy within the Appendix 3 of the Dacorum Local Plan recommends minimum distances of 23 metres between the main rear wall of a dwelling and the main wall (front or rear) of another. No mention is made of minimum distances between non-residential premises and dwellings. That a non-residential building will not be occupied at all times, and when occupied will be so for some specific, productive purpose (such as work), is an important consideration. As such, it is considered that only limited weight should be given to this guidance. Other relevant factors shall now be considered.

9.2.16 The building includes a number of windows at ground and first floor level on the northern elevation. Whilst such windows would ordinarily afford views over the rear garden areas of the dwellings located on Long Chaulden, the plans indicate that that these windows are to be fitted with opaque vision glass, thereby negating any potential overlooking. Should planning permission be granted, it is considered appropriate to include a condition which requires the opaque vision glass to be retained in perpetuity, and for the first floor windows to be non-openable below 1.7 metres from finished floor level. It is acknowledged that the windows may give the impression of overlooking, but there would not, in fact, be any. The windows also serve to break up the mass and bulk of the building.

9.2.17 Consideration has been given to potential overlooking of the rear garden and windows of no. 51 Parkwood Drive and the bedsits located above the garages to the south of the site. The separation distance is such that the proposal does not give rise to any concerns over loss of privacy. In the case of the no. 51, views of the garden and windows would be oblique, while the front facing windows of the bedsits would be located over 32 metres away.

Visual Intrusion

9.2.18 There is no statutory planning definition of the terms “visual intrusion” or “overbearing”. The proximity of built development, height, mass and bulk, topography, orientation and the existing layouts of adjoining dwellings are all relevant factors that can be taken into account. As such, whether development is visually intrusive or overbearing is a matter of planning judgement.

9.2.19 It is acknowledged that the existing garages are small-scale and single-storey in nature. The new building, by contrast, would be higher and have a greater visual presence than the existing development. However, it does not automatically follow that the development would have an unacceptable impact on the dwellings to the rear of the site (located on Long Chaulden).

9.2.20 The rear elevations of nos. 434 - 438 Long Chaulden do not contain any habitable windows. As such, the development would not be visible from within these dwellings. Whilst there would be some loss of views above the existing garages from the rear gardens, planning policies seek to protect the character and appearance of a street scene in the interest of the public good; they do not protect the private views of nearby residents. The new development would be located between approximately 13 – 19 metres away and utilise a mixture of materials (buff brick and cream textured render), all of which would help to break up the mass and bulk of the building. Its overall height has been kept to a minimum by using a roof with a shallow pitch, further limiting the visual impact.

9.2.21 The surgery building would extend across approximately half the width of the plot demised to no. 432 Long Chaulden. This is an end of terrace plot and therefore wider than the majority of those in the area. As a result, the surgery building would only marginally overlap the rear elevation, leaving direct views up the garden and beyond more or less unimpeded. No. 430 Long Chaulden would not be significantly impacted by the proposed development. The nearest section of the surgery building would be approximately 20 metres away from the original rear wall of the dwelling and located at an oblique angle. Whilst acknowledging that there would be an increase in height compared with the current garages, the use of a shallow pitched roof (approximately 5% angle), combined with the

depth of the building, mean that the total height of the roof structure would not be visible, as demonstrated on drawing no. 125_D (Rev. E).

Noise and Disturbance

9.2.22 Concerns have been raised in terms of noise and disturbance arising from the parking area, which would be adjacent to the boundaries of 424 – 432 Long Chaulden. Whereas the rear gardens of these properties are currently shielded by the rear walls of the existing garages, these are proposed to be removed. Vehicle movements will be limited to driving into, or backing out of, 10 parking spaces. It is reasonable to assume that cars manoeuvring within this area will be doing so at a low speed and therefore engine revolutions are unlikely to be high. A distance of approximately 17 metres would exist between the car parking spaces and the rear walls of the dwellings fronting Long Chaulden. A fence / wall would also be interposed between the parking spaces and garden. Details of the proposed boundary treatment have been provided and are shown on drawing no. 102_I. In summary. These are considered satisfactory and a condition will be included with any grant of planning permission to require the fence / wall to be provided prior to first occupation of the development.

9.2.23 The surgery opening hours are proposed to be increased, details of which are outlined in the table below.

Day	Current Operating Hours	Proposed Operating Hours
Monday	08:30 - 20:00	08:30 – 21:00
Tuesday – Wednesday	07:00 - 18:30	07:00 – 21:00
Thursday – Friday	08:30 – 18:30	08:30 – 21:00
Saturday	09:00 – 12:00 (alternative weeks)	09:00 – 18:00
Sunday	N/A	09:00 – 13:00

9.2.24 A doctor's surgery is not an inherently noisy land use. Although the increased opening hours may give rise to additional car movements, it is unlikely that the intensification would be so great as to be materially different from the current state of affairs. Indeed, the existing garage forecourt is already used for the parking of vehicles, some of which are likely belong to nearby residents and not patients of the surgery.

9.2.25 The Council's Environmental Health Officer has not raised any concerns with regard to noise disturbance.

Security

9.2.26 Details of the boundary treatment to the north have been provided and would provide a satisfactory level of security. Further, it is considered that the removal of the access way through to Parkwood Drive, which runs behind nos. 436 and 438 Long Chaulden, would result in improvements to security.

Loss of Daylight / Sunlight

9.2.27 Saved Appendix 3 of the Dacorum Local Plan states that residential development should be designed and positioned in such a way that a satisfactory level of sunlight and daylight is maintained

for existing and proposed dwellings. Significant overshadowing should be avoided (see the Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991).

9.2.28 Where development is located opposite a window, the 25-degree rule should generally be applied, with the centre of the lowest habitable room window being used as a reference point for the test. If the whole of the proposed development falls beneath a line drawn at 25 degrees from the horizontal, then it is unlikely that there would be a substantial effect on daylight and sunlight. Drawing nos 125_D (Rev. E) and 127_A (Rev. A) demonstrate that there would be no breach of the 25-degree rule as it relates to the dwellings located on Long Chaulden (i.e. nos 432 – 438).

9.2.29 Although the new building is located to the south, the distance from rear windows of these dwellings, coupled with the limited eaves height would ensure that acceptable levels of daylight and sunlight are retained for the internal living environments. The overall height of the building is limited, and there is a reasonable distance between it and the existing residential dwellings to the north. Sunlight would, therefore, continue to be received over the top of the building. It is acknowledged that there may be some overshadowing of the rear-most sections of the gardens; however, this needs to be balanced against the substantial public benefits arising from the proposal.

Overshadowing

9.2.30 Concerns have been raised in connection with potential overshadowing of the gardens to the north, and therefore shadow diagrams have been provided by the architect to demonstrate the extent to which the gardens would be affected on 20th March (Spring Equinox), 21st June (Summer Solstice) and 20th September (Autumn Equinox)

9.2.31 The shadow diagrams can only provide a snapshot of the maximum extent to which overshadowing would occur on the three days referred to above. In the days between, there will naturally be variations – some favourable, others less so. It is, however, clear that the impact on the gardens during the summer months, when it would be reasonable to assume they would be more frequently used, would be relatively minimal, as the sun would be higher in the sky. It is submitted that considerable weight should be attributed to this fact. It is considered that the impacts of overshadowing would not be so significant as to warrant a refusal of planning permission.

Conclusion - Impact on Amenity of Neighbours

9.2.32 Having had regard to all of the points raised by local residents and all relevant material considerations, it is considered that the impacts of the development would not be so severe as to warrant a refusal of planning permission. Secondly, the substantial public benefits associated with providing enhanced medical facilities for the approximately 17,550 people currently registered as patients of Parkwood Drive Surgery, further weighs in favour of the application.

9.2.33 It is considered that the development accords with saved Appendix 3 of the Dacorum Local Plan and Policy CS12 of the Dacorum Core Strategy.

Impact on Highway Safety and Parking

9.2.34 In accordance with paragraph 111 of the NPPF, a travel plan and transport assessment form part of the submission documents and will be referred to throughout this section of the report.

Layout

9.2.35 Access to the application site would remain unchanged. However, it is proposed to reconfigure the internal layout of the site in order to address concerns raised at pre-application stage regarding parking provision.

9.2.36 The dimensions and layout of the perpendicular parking spaces is acceptable and in accordance with Appendix 5 of the Dacorum Local Plan. The proposed parallel parking (numbered 14, 15, 29, 30 & 31) spaces do not have a minimum length of 6 metres, but it has been demonstrated by swept path analysis that vehicles could use these parking bays safely. There would be sufficient space (6m) between the parking spaces along the northern boundary and parallel spaces to the south to ensure acceptable levels of manoeuvrability.

9.2.37 Hertfordshire Fire and Rescue were consulted as part of the application process and have confirmed that firefighter access to the site would be adequate.

9.2.38 In total, 5 disabled car parking spaces – equating to 11.9% of the total number of spaces – would be provided and 4 are shown as being located conveniently close to the main entrance and proximate to an informal pedestrian crossing. There is no specific number with regard to how many disabled car parking spaces should be provided, although Appendix 5 states that 4% of total car parking provision should normally be so allocated. In this instance, where a reasonable percentage of patients are likely to be old or infirm, it is appropriate that a higher percentage be provided; therefore, the proposed level of provision is considered to strike an appropriate balance.

Traffic Impacts

9.2.39 Saved Policy 51 of the Dacorum Local Plan (2004) seeks to ensure that overall road capacity is taken into account when considering development proposals.

9.2.40 Policy CS9 of the Dacorum Core Strategy seeks to ensure that traffic generated from new development is compatible with the location, design and capacity of the current and future operation of the road hierarchy, taking into account any planned improvements and cumulative effects of incremental development.

9.2.41 It is acknowledged that the increased capacity of Parkwood Drive Surgery will result in a greater number of vehicle movements. The traffic generation is likely to consist of two elements: patients and staff.

9.2.42 The surgery currently serves approximately 17,550 patients, but it is anticipated that this will increase to around 20,000 patients following the extension. Additional visits to the surgery will, however, be spread over the course of the day rather than being confined to the peak hours of 08:00 – 09:00 in the morning and 17:00 – 18:00 in the evening. Regard also needs to be had to the proposed increase in the hours of operation – in particular, increased capacity at the weekend – further reducing the need for travel during peak times. The existing and proposed hours of operation are provided below for ease of reference:

Day	Current Operating Hours	Proposed Operating Hours
Monday	08:30 - 20:00	08:30 – 21:00
Tuesday – Wednesday	07:00 - 18:30	07:00 – 21:00
Thursday – Friday	08:30 – 18:30	08:30 – 21:00
Saturday	09:00 – 12:00 (alternative weeks)	09:00 – 18:00
Sunday	N/A	09:00 – 13:00
Total Operating Hours:	54.5 / 57.5	64

9.2.43 A staff travel survey undertaken by Summers Inman indicated that 89.3% of staff currently commute to work by private car, equating to a total of 25 people. However, the survey results did highlight that there is some limited potential to encourage modal shift to more sustainable forms of transport. Measures to realise this potential are outlined within a travel plan submitted as part of this planning application. Should planning permission be granted, it is recommended that a condition requiring the travel plan to be implemented at all times be included.

Adequacy of Parking

9.2.44 Policy CS9 states that the traffic generated by new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, taking into account planned improvements and cumulative effects of incremental development, whilst Policies CS8 and CS12 seeks to ensure developments have sufficient parking provision.

9.2.45 Saved Policies 57 and 58 (and associated Appendix 5) of the Dacorum Local Plan promote an assessment based upon maximum parking standards, which are intended as way of encouraging shifts to more sustainable forms of transport in areas of high accessibility.

9.2.46 The maximum standards as they relate to doctor's surgeries require 3 spaces per consulting room plus 1 space per employee (other than consulting doctors). Parkwood Drive is located within Zone 4 wherein between 75% and 100% of parking requirements should generally be provided on site – i.e. between 71.25 and 95 spaces (calculated on 21 consulting rooms + 32 nurses / admin staff). A total of 42 spaces are proposed to be provided as part of this development.

9.2.47 Paragraph 106 of the NPPF states that:

Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework).

9.2.48 Furthermore, paragraph 105 of the NPPF advocates that, if setting local parking standards, authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles.

9.2.49 Policy CS12 and the NPPF are supportive of the 'case by case' approach to parking provision. In light of this it is submitted that more weight should be given to the particular set of situations subsisting in the local area.

9.2.50 Parking Capacity:

- With the exception of the 'Keep Clear' restrictions in place within the vicinity of the Long Chaulden junction, there are no other parking/waiting restrictions along **Parkwood Drive**, thus enabling unrestricted on-street parking.
- **Varney Road** is located a short walk away and benefits from unrestricted on-road parking.
- There are no parking/waiting restrictions in place along **Long Chaulden** within the vicinity of the site. Informal footway parking is available along both sides of Long Chaulden within close proximity to the site,
- The primary car park associated with the nearby **Warners End Local Centre** – accessed from Long Chaulden - has a capacity of approximately 42 car parking spaces.
- A further car park with additional parking can be accessed from Northridge Way.

9.2.51 Preferred Means of Travel to Doctor's Surgery:

According to the results of the travel survey, 60.9% of respondents travel to the surgery by car – either as a driver or a passenger – with the remaining 39.1% making their way there by sustainable means. As 63.8% of respondents live within 2km of the surgery, it is considered that there is the potential for a greater number of trips to be made by alternative means - for example, by cycling or walking.

Loss of Garage Parking

9.2.52 It is acknowledged that proposal will result in the loss of existing garaging; however, as with many Council garages, the dimensions are not generally considered to be able to satisfactorily accommodate modern vehicles. As such, their primary use, if in use at all, is for storage and therefore any loss of actual parking is not likely to be significant.

Conclusion

9.2.53 Whilst it is argued that there will be a sufficient parking to satisfy demand, a balance clearly needs to be struck between providing an abundance of parking, in opposition to the sustainability agenda, and a level of parking at which walking and / or cycling become more desirable.

9.2.54 The Highway Authority were consulted but do not wish to restrict the grant of planning permission. Matters pertaining to parking provision fall within the remit of the local planning authority, although the Highway Authority may make specific comments were car parking would undermine sustainability objectives (by discouraging the utilisation of more sustainable means of travel), or where a shortfall may exacerbate local conditions to such a degree that the free flow of traffic or highway safety would be prejudiced. Therefore, given the support of the Highway Authority, it follows that there would not be an unacceptable impact on highway safety; neither would the residual cumulative impacts on the road network would be severe.

9.2.55 The provision of 42 spaces would, in my view, represent a sufficient level of parking in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.3 Saved Policy 99 of the Dacorum Local Plan encourages the preservation of trees and states that high priority will be given to their protection during development.

9.3.1 The development proposal would result in the loss of 4 trees. The most notable would be those labelled as T4 (Alder) and T5 (Ginko biloba) on the "Tree Protection and Impact Assessment" (R3_3751019_AR03). The removal of these trees is regrettable, as they are rated as category A and category B, but is necessary in order to facilitate the required additional parking provision for the doctor's surgery. As there is no prospect of relocating the affected parking spaces (nos. 19-25) to another part of the site, on balance, given the substantial benefits arising from the proposal and the fact that the trees are not covered by a Tree Preservation Order, it is considered that the loss can be justified. A replacement tree (*Acer campestre* Elsrijk) is proposed to partially mitigate the loss.

9.3.2 The trees labelled as T6 (Elder) and T7 (Wild cherry) are located along the eastern boundary of the application site. They have, however been described by the applicant's arboriculturist as having "*little value and are in poor condition close to the fence line...*".

9.3.3 There would be some minor encroachment into the root protection area of the T1 (Oak). Accordingly, should planning permission be granted, a condition will be included to require the submission of a tree protection plan prior to the commencement of works in this location.

Ecology

9.3.4 A Preliminary Ecological Assessment carried out by the applicant's consultant highlighted that T1, T6 and T7 are considered likely to support breeding birds. As T6 and T7 are scheduled for removal, it would be appropriate to include an informative with any grant of planning permission:

9.3.5 All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

9.3.6 Drawing no. R3_3751019_LA01 outlines the areas of new landscaping and it is noted that 6 bat boxes are proposed to be installed. Overall, this is considered acceptable.

Land Contamination

9.3.7 The Council's Scientific Officer was consulted and is of the opinion that it is necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and, where it is present, will be remediated.

Human Rights

9.3.8 A local resident has commented that, were the development to go ahead, this would result in a breach of his / her human rights under Protocol 1 Article 1 and Article 8 of the Human Rights Act.

9.3.9 The courts have taken the view that Article 8 of the Human Rights Act will normally have been considered as an integral part of a Planning Officer's approach to material considerations. The degree of seriousness required to trigger a lack of respect for the home has to be substantial, with the competing interests of neighbours, other individuals and the community as a whole, including the right of the landowner to make beneficial use of his land all being relevant factors.

9.3.10 Article 8 rights are a material planning consideration and should be respected. However, these rights need to be balanced against other planning considerations and this will be a planning judgement.

9.3.11 All of the relevant factors, including the detailed objections, have been considered and it is submitted that this will not have deprived anyone of their rights under Article 1 or Article 8 of the Human Rights Act.

External Lighting

9.3.12 A lighting report has been provided with the application to confirm that the external lighting design complies with the requirements of BREEAM POL04 "Reduction of night-time pollution". Lighting is only to be provided where absolutely necessary. The scheme consists of column mounted fittings – 4m column – around the car park area and wall mounted fittings on the building. It

has been demonstrated that the nearby dwellings would not be adversely affected by light pollution. A condition will be included requiring the lighting to be installed and operated in accordance with the particulars.

Response to Neighbour Comments

9.4 These points have been addressed above other than:

Antisocial Behaviour

9.4.1 The surgery extension would allow longer opening hours which, in turn, will lead to more natural surveillance. As such, it is not considered that there would be a material increase in antisocial behaviour.

Community Infrastructure Levy (CIL)

9.5 This application is not CIL liable.

10. CONCLUSION

10.1 The principle of the expansion of existing social infrastructure is acceptable in this location.

10.1.1 The distance of the building from the residential dwellings to the north (on Long Chaulden), coupled with a proposed planning condition requiring any windows at first floor level on the rear elevation to be obscure glazed, would ensure that there would be no significant impacts in terms of overlooking, loss of sunlight and daylight and visual intrusion. It is also noted that nos. 434 – 438 do not have any habitable windows on their rear elevation; that is to say, the elevation facing the development site.

10.1.2. The building is of an appropriate design and would integrate reasonably well with the existing surgery building.

10.1.3 On balance, the level of parking is considered to be acceptable, noting the lack of on-street restrictions in the area and presence of two public car parks. It is also not unreasonable to assume that some patients will walk to the surgery. Hertfordshire Highways were consulted and do not wish to restrict the grant of planning permission subject to conditions.

11. RECOMMENDATION

11.1 That planning permission/listed building consent be **GRANTED** subject to 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:**

102_1 Rev. I
125_D Rev. E
126_B Rev. B

110_B Rev. B
111_B Rev. B

R3_3751019_LA01
778225-MLM-ZZ-XX-RP-J-0001 22/01/2020
Proposed GP Surgery Extension Parkwood Drive, Hemel Hempstead Travel Plan
(dated January 2020)
1944-TEW-ZZ-XX-DR-E-4000-120-S0-P01
1944-TEW-RP-E-External lighting calculations -S0-P01

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

3. (a) **The Local Planning Authority is of the opinion that the Phase 1 Contamination Assessment submitted at the planning application stage (Document Reference: Assura Aspire Ltd 778225-MLM-ZZ-XX-RP-J-0001 22/01/2020) indicates a reasonable likelihood of harmful contamination and so no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**
- (i) **A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- (ii) **The results from the application of an appropriate risk assessment methodology.**
- (b) **No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.**
- (c) **This site shall not be occupied, or brought into use, until:**
- (i) **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
- (ii) **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

4. **Any contamination, other than that reported by virtue of Condition 3 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

5. **Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.**

Reason: To ensure permanent availability of the parking / manoeuvring area and to ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy.

6. **The approved travel plan, “Proposed GP Surgery Extension Parkwood Drive, Hemel Hempstead Travel Plan”, (dated January 2020) shall be implemented at all times.**

Reason: In order to ensure that sustainable methods of transport are considered in the interests of highway safety, in accordance with Policy CS8 of the Dacorum Core Strategy.

7. **The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and facilities to restrict the generation of dust and mud from the site proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan/Statement and the approved details are to be implemented throughout the construction programme.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy.

8. **No lighting other than that shown on 1944-TEW-ZZ-XX-DR-E-4000-120-S0-P01 (“Proposed site plan indicative lighting layout and calculation” dated Jan 2020) shall be installed without the prior written approval of the local planning authority. The lighting shall only be operated in accordance with 1.0 (General) of document: 1944-TEW-RP-E-External lighting calculations -S0-P01.**

Reason: In the interests of the visual amenities of neighbouring properties in accordance with saved Policy 113 of the Dacorum Local Plan and Policy CS12 of the Dacorum Core Strategy.

9. **Prior to the commencement of development hereby approved, an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how trees shown for retention shall be protected during the construction process, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development.**

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).

10. **The planting shown on drawing no. R3_3751019_LA01 shall 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 1 year 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).

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

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

12. **The boundary treatment in respect of the northern boundary, as shown on drawing no. 102_I, shall be fully constructed prior to first occupation of the development hereby approved.**

Reason: In the interests of the amenity of the neighbouring dwellings in accordance with Policy CS12 of the Dacorum Core Strategy.

13. **The D1 use hereby permitted shall not take place other than between the hours of:**

- (a) Mondays, Thursdays and Fridays: 08:30 - 21:00**
- (b) Tuesdays and Wednesdays: 07:00 - 21:00**
- (c) Saturdays: 09:00 - 18:00**
- (d) Sundays: 09:00 - 13:00**

Reason: To protect the residential amenities of the locality in accordance with to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage which lead 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.
2. The attention of the Applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
3. Dust from operations on the site should be minimised by spraying with water or carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The Applicant is advised to consider the control of dust and emissions from construction and

demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

4. All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	<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> <ol style="list-style-type: none"> 1. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: <ul style="list-style-type: none"> o Swept path analysis / tracking for the proposed parallel car parking spaces (spaces 14, 15, 29, 30, 31 as shown on drawing no. 102_F). o Location and details of cycle parking. Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). 2. Provision of Parking & Servicing Areas Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use. Reason: To ensure permanent availability of the parking / manoeuvring area and 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). 3. Travel Plan Three months prior to the first use of the development hereby permitted, a suitably qualified person or organisation shall be appointed as travel plan co-ordinator. The details of the co-ordinator and a secondary contact shall be submitted and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented at all times. 4. Construction Management The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and facilities to restrict the generation of dust and mud from the site proposed during the construction period have been

submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan/Statement and the approved details are to be implemented throughout the construction programme. Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

COMMENTS / ANALYSIS: The application comprises of an extension to the existing GP surgery and demolition of an existing garage area at Parkwood Drive, Hemel Hempstead. Parkwood Drive is designated as an unclassified local access road, subject to a speed limit of 30 mph and is highway maintainable at public expense.

ACCESS & PARKING: There is an existing simple priority t-junction and vehicle access into the site providing access to the surgery car park and a residential parking and garage area. The access into the site is to remain as existing and is an acceptable width to enable two vehicles to pass on another and in accordance with design criteria as laid out in Roads in Hertfordshire: Highway Design Guide.

The proposal includes an increase in parking provision for the surgery from 26 to 42 car parking spaces, the layout of which is shown on submitted plan number 102F. The dimensions and layout of the perpendicular parking spaces is acceptable and in accordance with Manual for Streets (MfS). The proposed parallel car parking spaces (numbered 14,15,29,30,31 on plan 102F) are less than the recommended 6m in length and therefore HCC as Highway Authority would recommend that swept path assessment /tracking is provided to illustrate that vehicles can safely move in and out of the proposed parallel parking bays.

Details of the level of parking have been assessed as part of the submitted Transport Assessment. HCC as Highway Authority's main concern would be any negative effect the proposal would have on the free and safe flow of pedestrian and other highway users due to the level of on-site car parking and loss of the residential garage area. However it is unlikely that any effects would be significant enough to recommend refusal from a highway point of view when taking into consideration the location and the potential to encourage sustainable travel alternatives in accordance with Hertfordshire's Local Transport Plan. Dacorum Borough Council is the parking authority and would ultimately need to be satisfied with the proposed level of parking.

SUTAINABLE TRAVEL / TRAVEL PLAN: A travel plan has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally acceptable although the applicant would need to provide details of a suitably qualified person/organisation to act as travel plan co-ordinator at the site(at least

	<p>3 months prior to first use of the development) in addition to secondary contact. DBC has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transport schemes would be sought via CIL if appropriate. TRIP GENERATION & DISTRIBUTION: Following consideration of the extension of an existing use of the site and assessment of the submitted Transport Assessment, the development would not have a significant or detrimental impact on the local highway network.</p> <p>EMERGENCY VEHICLE ACCESS: Following consideration of the increase in size of the surgery, the application may benefit from input from Herts Fire and Rescue. Therefore, details of the proposal have been passed to them for attention.</p> <p>CONCLUSION HCC as Highway Authority has considered that the proposals would not have a significant or negative impact on the safety and operation of the nearest highway. HCC has no objections or further comments on highway grounds, subject to the inclusion of the above conditions.</p>
Environmental And Community Protection (DBC)	No objections on noise or air quality grounds, but given the nature of the development I would advise an informative for noise and dust.
Environmental And Community Protection (DBC)	<p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the application site is on land with potentially contaminated land use history (infilled pond and garages) and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed end use to the presence of any contamination means that the following planning conditions should be included if permission is granted. Please note condition 1 acknowledges existence of an adequate phase 1 report.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) The Local Planning Authority is of the opinion that the Phase 1 Contamination Assessment submitted at the planning application stage (Document Reference: Assura Aspire Ltd 778225-MLM-ZZ-XX-RP-J-0001 22/01/2020) indicates a reasonable likelihood of harmful contamination and so no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p>

(ii) The results from the application of an appropriate risk assessment methodology.

(b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.

(c) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Informative:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching

	for contaminated land and I would be grateful if this fact could be passed on to the developers.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
83	4	0	4	0

Neighbour Responses

Address	Comments
436 Long Chaulden Hemel Hempstead Hertfordshire HP1 2NS	I am writing concerning the proposed two storey extension of Parkwood Drive Surgery, HP1 2LD. If this proposal goes ahead my one bedroom, single storey bungalow will be completely overlooked, as will my neighbours. The gardens are south facing so the light will be blocked out and the height of a two storey extension will be completely overbearing. Patients and staff in the building will be able to look down into the gardens and therefore I will have no privacy. The noise and disturbance from building works and demolition of the garages will also be very distressing and the back access to my garden will be compromised. The impact this proposal will have on our lives and homes will be very upsetting and very disruptive. I would invite you to come to my home so that you can see personally the effect this will have on both me and my neighbours. Please take my comments into consideration. Thank you.
434 Long Chaulden Hemel Hempstead Hertfordshire HP1 2NS	I moved into 434, Long Chaulden, May 2019, I am really shocked and upset over the plans of the extension which will be overbearing running along the back of my garden, I will be overlooked which will have a detrimental impact on my privacy, I will have a severe loss of natural light and overshadowing which is causing me great concern for my health, I would also like confirmation of the boundary treatment proposals with my garden, I would also like in writing if there is any damage to my fence and gate that I have had put up only a few months ago, That you will repair as I had to have for my own safety and security as there is a awful lot of activity in the alleyway that leads up to my garden, I look forward to hearing from you and I prey you take my concerns into consideration, Many thanks Mrs Judith Brown.
432 Long Chaulden Hemel Hempstead Hertfordshire HP1 2NS	I am writing to you concerning the proposed extension to Parkwood Drive Surgery which is immediately adjacent to the rear of my property. I have examined the plans and wish to object strongly to this application. I live at 432 Long Chaulden, which is the first two storey dwelling adjacent to the proposed extension. At the moment I have a single storey, seven foot high garage at the end of my garden, offering me

security, privacy and no lack of light to the amenity of my garden. Trees and bushes in adjoining gardens obscure much of the existing Doctor's surgery, with much of the building being on low level land. The existing block of garages with first floor flats near the site, being on even lower ground. The existing residents consist of older people and some vulnerable families. Many of which have lived in their properties for a considerable number of years.

My objections are as follows:

Overlooking:

o This proposal appears to extend to halfway along my property, thus it will completely change my outlook from an open view to that of a brick wall, not only giving me a total loss of view it will have a dramatic visual impact from my home.

o The back windows (although specified as being opaque) will result in overlooking my property, the bungalows and houses on Long Chaulden and their private gardens. The primary amenity area of my garden would be severely overlooked and it does not afford adequate privacy for the occupants of my property. This will certainly give us the feeling of being overlooked and lead to a considerable invasion of privacy and will definitely impact on the peaceful enjoyment of my home and garden (Human Rights Act, in particular Protocol 1 , Article 1).

Overbearing

o The close proximity of the extension to the boundary of my and neighboring properties will have an overbearing and dominating impact and would be entirely out of character to the adjoining properties.

o The extension represents a building much larger in terms of floor space and especially height, than the garages it is to replace, particularly first floor and roof height. The prominence of the replacement building is only compounded by the increases in height, volume and bulk particularly at first floor and roof level. The proposal would represent a building that would be materially larger than the one it would replace.

Overshadowing/Loss of light

o The height of the extension will lead to a lack of light into my garden and to that of neighboring properties. The overshadowing from the extension will be considerable, blocking the sun into my garden. I cannot see any proposed measurements of the height of the building but on the plans it is higher than the existing medical centre. I do not believe the height of the building to be sympathetic to the heights of surrounding buildings.

Security

o The security to our properties will be considerably compromised with the planned extension and open accessed car parking spaces.

o Crime and anti-social behavior in the area around the back of the shops and on Parkwood drive is considerable, the removal of the garages and open accessed car parking allows for a lack of security to our homes and would I believe open us to increased risk and fear of crime (NPF: 127).

o The plans make no mention of what is proposed to be put in place as a boundary either during or after building work, thus it appears leaving us vulnerable to potential crime.

Noise pollution

o The proposed parking spaces will be directly adjacent to my garden and home, at the boundary with my property, it will become a cause of noise, and disturbance at all times of the day and night with vehicles parking and turning around.

o The planned extension of Surgery hours till 9pm on week nights and on Sundays will certainly impact on the disturbance to residents. Although the parking spaces are planned for patients visiting the medical centre as they are open accessed they will undoubtedly be used by other car drivers.

Other points:

The expansion seems to be a grave disparity in scale to the proposed increased patient base of 12%. The number of consulting rooms going from 8 to 22, an almost 200% increase. This with the proposed increased surgery opening hours seems to be an over expansion to need.

The traffic plan quotes 1.5.1 There have been no recent and relevant planning applications associated with the proposed development site. I believe that plans were passed in 2016 to extend the surgery to the East of the centre, which were passed and not completed. These plans would have had little impact on residents.

The plans include the proposal that future developments would be possible to the site, which I take to mean that further building along the length of the properties on Long Chaulden adding to further disruption and traffic issues.

Travel Plan

The submitted travel plan, I believe to be farcical in its attempt to fool planners, councilors and HCC Highways for the following reasons:

o The traffic on Parkwood drive is already very busy especially during the daytime. Stoneycroft shops and the community centre parking is nearly always full during current surgery opening times and overflows into the local streets including Parkwood drive. Cars often queuing to get into the car parking causing road obstruction and difficulty in passing.

o Although Parkwood drive is a two lane road, parking is non restricted with traffic parking for deliveries, from vans and large lorries,

shoppers and overflow for the community centre parking along the road, thus becoming single lane in many places. Any restricted parking imposed in the area would have another impact on parking. With the extension to the surgery and the increased patient base this will only increase congestion due to patients travelling to the surgery.

o Public transport is limited to an unreliable bus service, offering services only to Long Chaulden, Gabebridge, the Railway Station and the town centre. Other areas of the patient base are not covered. According to the survey in the traffic plan only .7% of patients use the buses to get to the surgery. Patients feeling ill will not make a choice of travelling by bus to the surgery making it an unviable option for travel to the surgery.

See photos attached

Parking spaces at surgery:

o Although the development increases the available spaces to the surgery, there will be a loss of the 20 existing garages spaces, potential for local residents.

o The plans stated that 89% of the current 42 Full and Part time staff travel by car thus using 37 spaces throughout different times of surgery hours. Increased staffing will inevitable be working at the surgery, therefore reducing parking for the increased patient base.

o The plan state that the expectation is that there will be an increase of only 2 full time doctors and 1 nurse, which has either been wrongly quoted, for the sake of parking figures, or there is an over expansion to need and increased staffing levels.

o It is also suggested that additional staff not employed by the surgery be on-site, for surgery rooms to be used for community services adding additional need for parking spaces.

o The planned extension, if in full use, will dramatically increase the number of parking spaces needed beyond the available spaces. If the additional 15 rooms for patients are in use for 10 minute appointments, it would mean up to an additional 90 cars in any hour travelling along Parkwood Drive trying to find car Parking spaces.

o The available parking spaces are accessed via a narrow single lane entrance with only traffic passing in or out of the car park. Cars park up to either side of this entrance making access and particularly exit difficult. There is a blind bend around the garages and first floor flats on entrance to the car park and another tight bend around the proposed extension to access 14 of the spaces. These points are significant in the long term for both drivers and pedestrians.

o Parking and access to the site during the extensive planned building works will have a significant impact on the local area

The traffic plan quotes a statement from HCC Highways regarding parking:

" Any shortfall might exacerbate conditions locally such that traffic flow / safety may be adversely affected".

I feel that by extending surgery access at Gadebridge and Boxmoor and having additional services in the area covered by the patient base e.g. Long Chaulden, Bourne End, Central Hemel and Piccotts End would allow more patients walking access to surgeries thus cutting out the increased volume of traffic to Parkwood Drive and its sustainable

	<p>and environmental impact. The over expansion would suggest the existing satellite surgeries at Gadebridge and Boxmoor will be closed in the future, further exacerbating traffic problems.</p> <p>I understand that the council has offered suitable alternative accommodation which the partners of the surgery have turned down, it would be interesting to understand the reason for this.</p> <p>On a personal note this application has already had an effect of my mental health and feels a threat to increased vulnerability to crime and my home being my safe place. The thought of being overlooked and the overbearing nature of the extension will be like looking at a prison wall at the end of my garden.</p> <p>I would ask you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. I considered that the extension will have a detrimental impact upon our neighbour amenity by virtue of the scale and form of the development and due to overlooking issues mentioned above and the privacy and the right to enjoy a quiet and safe residential environment.</p> <p>Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.</p> <p>Whilst I understand the need for expansion of local services due to the building of new houses in the area, I hope that the council has due regard for current residents and their security and reject these plans.</p> <p>If this application is to be decided by councillors, please take this as notice that I would like to be informed of the date the meeting of the committee at which this application is expected to be decided. of this as soon as possible.</p> <p>Please note I am sending my objection to these plans via email. I hope to receive an email on receipt of this email.</p>
<p>430 Long Chaulden Hemel Hempstead Hertfordshire HP1 2NS</p>	<p>Having examined the plans for this application , which greatly affects my property , I wish to register my strong objections to the application .</p> <p>My property is the second two storey building adjacent to the proposed extension. Garages presently form that boundary which allows light into my property , privacy and security .</p> <p>The existing Surgery has negligible impact on my property and blends well into the surrounding residential area. The proposal for the new extension will , however , have a dramatic impact on myself , my property, and the surrounding residential area, due to its size , close proximity and associated car parking provisions.</p> <p>Existing Property The height of the existing Surgery building is approximately 5.75 meters and is approximately 32 metres from my southern boundary . This has , in my opinion , a minimal impact on the surrounding area. The Surgery made a successful planning application in July 2000 for an extension to the Surgery which would have also have made a minimal impact on the area. This was not acted upon.</p>

Ref : 4/01338/00/FUL

I also appears that the Surgery was offered several alternative sites for expansion which were also not taken up.

Proposed Extension

The proposed two storey extension , if approved , would have a height of approx. 7.25 meters , an increase of 1.5 meters over the height of the existing building , a length of 25 meters and a width of over 10 meters and be built only 1 meter from the southern boundary line of the existing residential buildings . The extension will end 6 meters from my own southern boundary.

A building of this size placed so close to the boundary of existing residential buildings must have a severe impact on them . The general design for residential housing in Hemel Hempstead has another length of garden attached to any two storey building opposite, not built literally on the boundary line. The height , size , positioning and design of this building is not in keeping with the surrounding residential area.

The stated increase in the patient base is 12% , yet the increase in available floor space in the two story extension appears to be approximately 70% compared to the existing building .

The ground floor alone would give an increased floor space over the existing building of 35%

While the proposed increase in patient base for the Surgery is 12% , the expansion of consulting rooms from 8 to 22 is a increase of 175% There is a great disparity in these figures and seem to be greatly in excess of that required.

The application even mentions the possibility of expansion in the future

This extension will overlook the properties to the north to a great extent , causing loss of privacy , especially to my property , as the end wall of the extension has a clear window in the upper floor which directly overlooks my garden.

Light

The loss of light into these properties due to the height and close proximity of the extension to my boundary will cause extensive overshadowing, my property , losing 75 degrees out of 180 degrees of light, approximately 40% of the of the light into my property . This is 4.8 hours of sunlight lost due to overshadowing..

Traffic

The plans state that 89% of the current 42 full and part time staff travel by car , using up to 37 of the 42 spaces , 5 of which are provided for disabled parking , across surgery hours . The staff numbers are to be expanded , and will probably increase again as the proposed expansion of the patient base is continued . Apart from the increased numbers of staff and patients using the car park , it seems that surgery rooms may be used for community services. This will put an increased strain on parking and congestion.

Increasing the Surgery opening times to 9pm weekdays and Sundays, as proposed, will exacerbate the traffic congestion problems and extend it over the time period it will occur. This will certainly have a large impact on the residents. Parking for residents in the area is a problem generally during the day but is at its peak during the evenings, when residents are returning home, and weekends.

Parkwood Drive itself runs along the back of a row of shops, with garages on the other side. Cars and vans are constantly parking on both sides of the road, usually allowing only a single lane, with large lorries often delivering supplies to the shops, causing further congestion. Cars often park on either side of the single lane entrance to the surgery car park, making access difficult.

The first 5 car park spaces near the entrance block the entrance while accessing and leaving those spaces.

Cars are parked on the road outside residential buildings throughout the day along the remainder of Parkwood Drive, allowing only single lane access.

The existing original garages running along the southern boundary of these properties are to be removed. These garages provide off road parking for 20 cars for local residents, which may now be removed, increasing the parking problem.

The garages provide a significant boundary, which has given privacy and security to the properties, reasons I selected the property when I retired seven years ago. It is proposed to replace these with parking spaces directly against the boundary. There is no obvious indication of a boundary wall between the parking spaces and the properties. Cars will now be able to park directly next to my boundary, possibly with a fence, or not at all.

The traffic around the Stoneycroft shops is well known to be busy throughout the day. The two car parks at Stoneycroft are very busy, with traffic often causing hold ups by queuing on the road both ways at the entrance, waiting to enter.

Proposed future residential expansion along the western portion of Long Chaulden will increase traffic flow along Long Chaulden, with increased traffic using the shops in the Stoneycroft area, increasing pressure on the already crowded parking situation in the car parks and surrounding streets, including Parkwood Drive.

Expanding the Surgery car park will prove attractive to shoppers unable or unwilling to park in the Stoneycroft car parks.

There is very little off road parking on Long Chaulden, even during the day. Parking on the main road itself with the amount of traffic that uses it would cause significant delays on what is a major route through the area.

The public transport bus service to Long Chaulden is unreliable, serving a limited base, Gadebridge, the railway station and the town centre. The survey in the traffic plan states less than 1% of patients travel by bus to the surgery. It is probable that the remainder too ill to

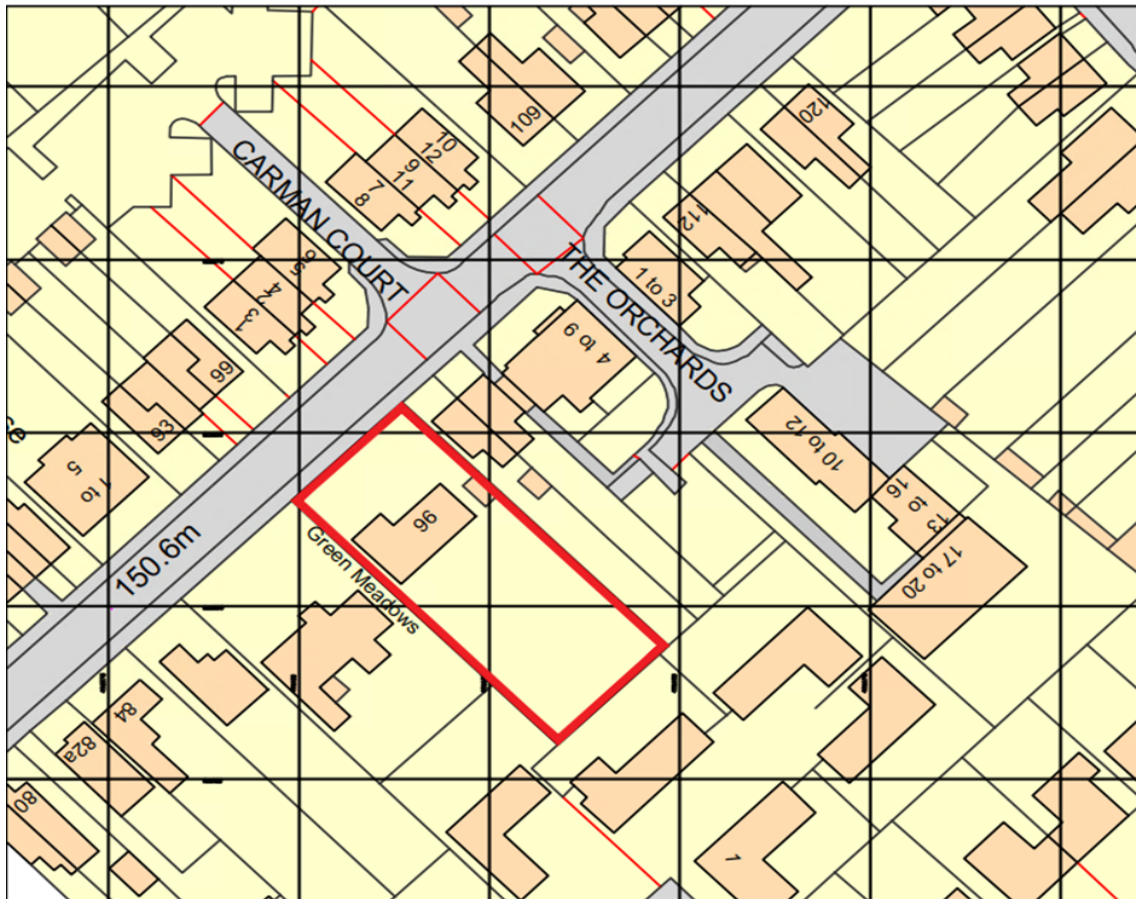
	<p>walk or not within walking distance will travel by car.</p> <p>Noise The constant traffic using these parking spaces during the day up to the proposed closing time of the Surgery of 9pm will increase noise and pollution into the properties late into the night on weekdays and on Sunday when before there was none . At night there will be an open car park , allowing a possible increase in social disorder , further reducing the security of the properties. This will increase the feeling of vulnerability and fear of crime in the local residents. If street lighting is installed , there will also be considerable light into my property at night where before there was little.</p> <p>The need to match proposed new house building with local services is understood . However , the previous approved planning application for the Surgery was not acted upon and it seems no action was taken on the proposed alternative sites .</p> <p>If the application is to be decided in council I would appreciate being informed when is to occur as soon as possible .</p>
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Agenda Item 5b

Item 5b **19/03134/FUL**

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

96 Longfield Road, Tring, HP23 4DE



Item 5b 19/03134/FUL

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

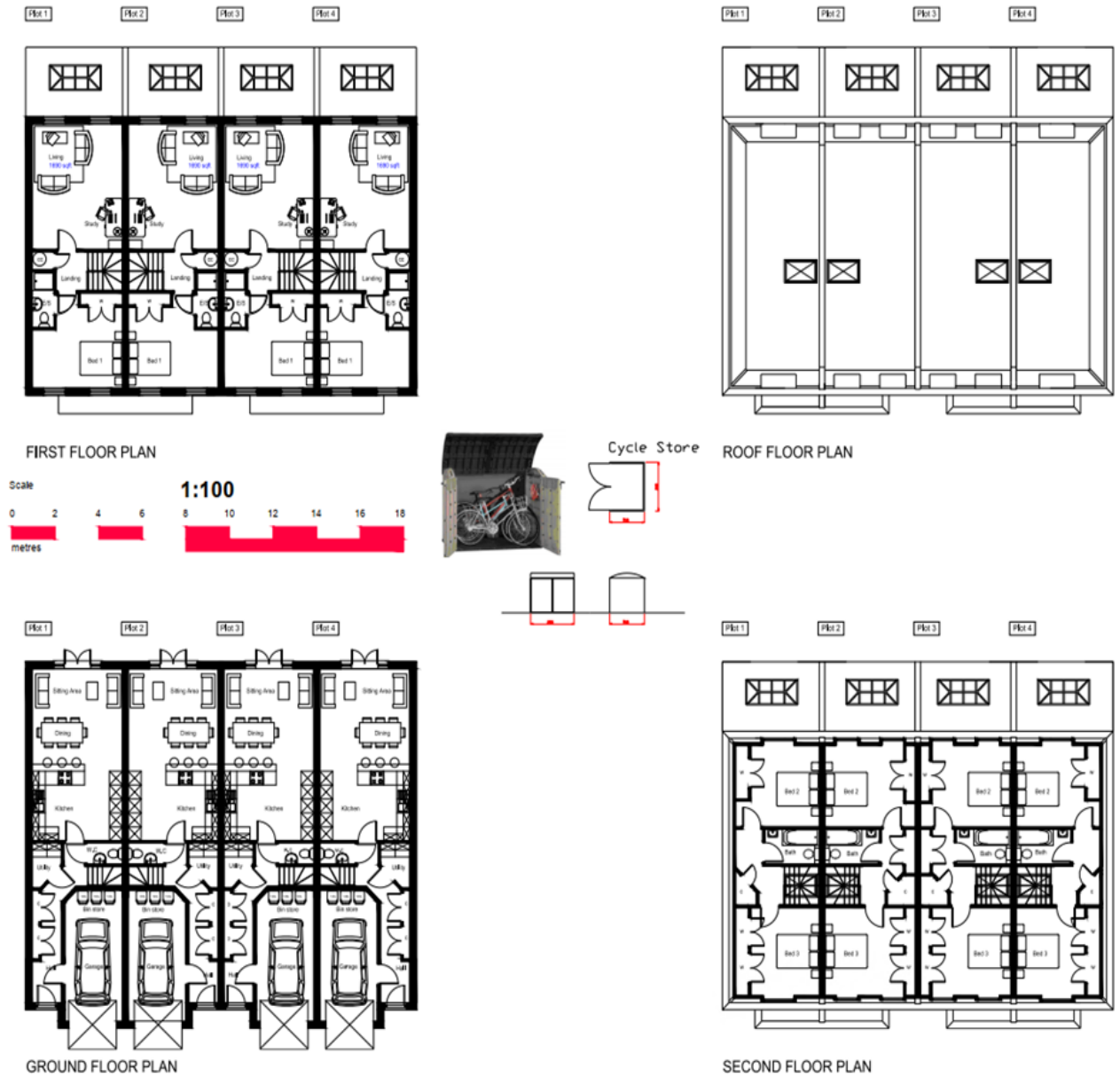
96 Longfield Road, Tring, HP23 4DE



Item 5b 19/03134/FUL

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

96 Longfield Road, Tring, HP23 4DE



ITEM NUMBER: 5b

19/03134/FUL	Demolition of existing bungalow to be replaced by the erection of a terraced row of four residential dwellings, to include all associated works.	
Site Address:	96 Longfield Road Tring Hertfordshire HP23 4DE	
Applicant/Agent:	Mr Omonua	
Case Officer:	Heather Edey	
Parish/Ward:	Tring Town Council	Tring West & Rural
Referral to Committee:	Recommendation is contrary to the views of Tring Town Council	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

2.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).

2.2. The proposed demolition of the existing bungalow and construction of a terraced row of four dwellings is considered to be acceptable in design terms, given that the works would not be considered to detract from the character and appearance of the streetscene or surrounding area. Furthermore, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy.

2.3 Given the advice provided by the Highways Authority, it is not considered that the proposed development would give rise to significant highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would also be provided for future occupiers of the site in line with the relevant policies. Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004).

3. SITE DESCRIPTION

3.1 The application site comprises a large chalet bungalow, in poor physical condition, set within a generous plot on the south-eastern side of Longfield Road. The site backs onto Cherry Gardens; a development of bungalows arranged in a cul de sac, and is located in an urban area, within a designated residential area of Tring.

3.2 The pattern of development in the area is characterised by a mix of detached, semi-detached and terraced dwellings of varying architectural styles and designs, with properties being typically positioned close to the street and comprising long rear gardens. Though dwellings are typically two storey, there is evidence of three storey development within the streetscene, with the example of flats 1-9 The Orchards.

4. PROPOSAL

4.1 Planning permission is sought to demolish the existing chalet bungalow and construct a terraced row of four dwellings. Though internally comprising three storeys, the proposed new dwellings have been designed to comprise a two storey appearance, with living accommodation

being provided within the proposed roof space, through the use of box-dormer windows in the mansard roof design.

4.2 Each dwelling would measure approximately 15.8m deep and 4.5m wide, comprising the same internal design, with an integral garage, kitchen/dining area, hall, utility and small toilet room being provided at ground floor level, a bedroom with en-suite bathroom, and living room/study area being provided at first floor level, and two additional bedrooms with a family bathroom being provided on the second floor. An additional off-street car parking space would also be provided for each dwelling, via the permeable block paving positioned ahead of the proposed new garages.

4.3 With regards to material finishes, each dwelling would be externally clad in ashlar effect render with heavy and detailed moulding at ground floor level, comprising external brickwork with stone sills and header at first floor level, and the third floor being externally tiled, comprising detailed eaves moulding and parapet walls along the front and rear roof slopes to show the sub-division of the four units.

4.4 The scheme also provides details regarding the proposed cycle and storage arrangements for the new dwellings, (with each dwelling comprising a cycle store at the rear, and an integrated bin store), as well as detailing the proposed arrangements for private amenity space and associated soft/hard landscaping.

4.5 The current application reflects an amended scheme to that proposed under previous planning application 4/01301/18/FUL – with the original application seeking permission to demolish the existing chalet bungalow and construct four two-bedroom and three two bedroom flats with associated access. The previous application was refused and later dismissed at appeal, with the Planning Inspector considering the proposal to be harmful to the residential amenity of neighbouring properties, by virtue of its scale, height and bulk and to significantly alter and adversely affect the character and appearance of the site, surrounding area and streetscene of Longfield Road.

5. PLANNING HISTORY

Planning Applications (If Any):

4/01301/18/FUL - Demolition of existing dwelling and construction of four two-bedroom and three one-bedroom flats and associated access
REF - 20th September 2018

Appeals (If Any):

4/01301/18/FUL - Demolition of existing dwelling and construction of four two-bedroom and three one-bedroom flats and associated access
DIS - 28th June 2019

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4

CIL Zone: CIL2

Former Land Use (Risk Zone): Former Blacksmith, Miswell Lane, Tring

Former Land Use (Risk Zone): Former Scrap Yard, Carman Court, Tring

Former Land Use (Risk Zone): Former Works, 106-116 Western Road, Tring

Former Land Use (Risk Zone): Depot, Longfield Road, Tring

Former Land Use (Risk Zone): Builders Yard, Miswell Lane, Tring

Parish: Tring CP

RAF Halton and Chenies Zone: Green (15.2m)

RAF Halton and Chenies Zone: Red (10.7m)
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
Residential Area (Town/Village): Residential Area in Town Village (Tring)
Town: Tring

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. 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:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.0 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; and
The impact on highway safety and car parking.

Principle of Development

9.1 The site is situated within the residential area of Tring, wherein Policies CS1 and CS4 are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) guides new development to

towns and large villages, encouraging the construction of new development and housing in these areas. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) states appropriate residential development is encouraged in residential areas.

9.2 In light of the above policies, the proposed development for the demolition of the existing chalet bungalow and construction of a terraced row of four residential dwellings within the residential area of Tring is acceptable in principle.

Quality of Design / Impact on Visual Amenity

9.3 The NPPF (2019) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.

9.4 The site falls within the TCA2: Miswell Lane Character Appraisal Area wherein a variety of dwelling types are acceptable, provided they relate well in terms of type, design, scale, bulk and layout of nearby and adjacent development. It also goes on to note that new dwellings should not normally exceed two storeys in height, and should be designed to follow the existing layout structure, fronting the highway and providing gardens to the front and rear.

9.5 The application seeks permission to demolish the existing chalet bungalow and construct a terraced row of four dwellings. Each dwelling would measure approximately 15.8m deep and 4.5m wide, comprising the same internal design, with an integral garage, kitchen/dining area, hall, utility and small toilet room being provided at ground floor level, a bedroom with ensuite bathroom, and living room/study area being provided at first floor level, and two additional bedrooms with a family bathroom being provided on the second floor.

9.6 The Town Council have raised concerns that the proposed development would reflect overdevelopment of the plot, with the new terraced dwellings appearing out of keeping with neighbouring properties, noting that they would comprise three storeys.

9.7 The pattern of development in the area is characterised by a mix of detached, semi-detached and terraced dwellings of varying architectural styles and designs, with properties being typically positioned close to the street, fronting the highway and comprising long rear gardens.

9.8 The proposed terraced row of four new dwellings have been sympathetically designed to appear a continuation of existing residential development, noting that they would similarly be positioned close to the street, fronting the highway and would comprise long rear gardens.

9.9 Whilst it is noted that dwellings within the immediate area typically comprise two storeys, it is not considered that the new three storey dwellings would appear out of keeping with these neighbouring properties, given their sympathetic design, noting that they would comprise a low ridge line and would retain a two storey appearance, with residential accommodation being provided within the roofspace, through the use of box-dormer windows in the mansard roof design. In light of the above, and noting that there is evidence of three storey development within the immediate area, (i.e. at flats 1-9 The Orchards), it is not considered that the proposed development would detract from the character and appearance of the streetscene.

9.10 With regards to material finishes, it is noted that each dwelling would be externally clad in ashlar effect render with heavy and detailed moulding at ground floor level, comprising external brickwork with stone sills and header at first floor level, and the third floor being externally tiled, comprising detailed eaves moulding and parapet walls along the front and rear roof slopes to show the sub-division of the four units.

9.11 Given that properties within the immediate area vary in terms of their architectural style and design, the above material finishes are considered to be acceptable.

9.12 Given the above assessment, the proposal is considered to be acceptable in design terms, according with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013), the TCA2: Miswell Lane Character Appraisal Area and the relevant sections of the NPPF (2019).

Impact on Residential Amenity

9.13 The NPPF (2019) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.14 Whilst it is noted that the Planning Inspector raised concerns in relation to the proposals' impact on the residential amenity of neighbouring properties under previous planning application 4/01301/18/FUL at appeal, the design and layout of the previous scheme significantly differs to that proposed under the current application. As such, it is not considered that concerns previously raised in this regard have any bearing on the current application.

9.15 The application site would share boundaries with neighbouring properties Green Meadows, 98 Longfield Road and properties 3, 4 and 5 Cherry Gardens.

9.16 Though positioned on higher ground levels than neighbouring properties 3, 4 and 5 Cherry Gardens, the proposed new dwellings would retain distances of over 24m from these properties, being separated from these properties by the proposed long rear gardens. In light of this, it is not considered that the proposed development would adversely affect the residential amenity of these properties by being visually overbearing or resulting in a significant loss of light or privacy to these dwellings.

Visual Intrusion

9.17 Though internally comprising three storeys, the proposed new dwellings have been sympathetically designed to comprise a two storey appearance, with habitable accommodation being provided within the proposed roof space, through the use of box-dormer windows in the mansard roof design. Noting this element of the design, and taking into account the change in ground levels between the application site and neighbouring property Green Meadows, the proposed new dwellings would not exceed the existing ridge height of this neighbouring property, (as evidenced on drawing PAD/DEC/001). In light of all of the above, and taking into account the separation distance that would be retained between the two properties and noting that the existing boundary fencing between the two properties would be retained, it is not considered that the proposal would appear visually overbearing to neighbouring property Green Meadows.

9.18 The proposed new dwellings would be positioned on slightly higher ground levels than neighbouring property 98 Longfield Road. It is not however considered that the proposed development would appear visually overbearing to this property, given that the proposed new dwellings would only measure approximately 1.6m higher than this dwelling, and would be positioned approximately 0.8m set back from the front elevation of this property.

Loss of Privacy

9.19 The proposed new dwellings have been designed to minimise harmful overlooking of neighbouring properties. Firstly, no windows have been proposed to the side elevations of the proposed development, overlooking neighbouring properties Green Meadows and 98 Longfield

Road. In addition to this, it is noted that ground level windows proposed on the rear elevation would be largely concealed from view of neighbouring properties, given the topography of the site and the positioning and height of existing and proposed close boarded boundary fencing.

9.20 Whilst windows have been proposed to the rear elevation of the proposed dwelling at first and second floor level, it is not considered that these windows would facilitate any harmful overlooking of neighbouring property Green Meadows, given that the rear elevation of the proposed development would be set in from the rear elevation of this neighbouring property.

9.21 Though the rear elevation of the proposed development would project approximately 2.4m deeper than the rear elevation of neighbouring property 98 Longfield Road at ground floor level, the rear elevation of the new dwellings would be set in at the first and second floor. In light of this and noting the positioning of the new rear windows, it is not considered that the proposal would result in a significant loss of privacy to neighbouring property 98 Longfield Road.

Loss of Light

9.22 The proposed development has been designed to avoid obstructing daylight/sunlight to the existing windows and rooms of neighbouring properties 1-6 Carman Court, 4 to 9 The Orchards, Green Meadows and 93, 95, 97, 98, 99 and 100 Longfield Road, with the submitted Daylight and Sunlight study noting that the development would not adversely affect daylight or sunlight levels to these properties in accordance with the guidance set out under the Building Research Establishment's (BRE) - Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011). As such, it is not considered that the proposal would have a significantly detrimental impact on lighting levels to existing properties.

9.23 In light of everything considered above, the proposal would not be considered to have any adverse impacts on the residential amenity of neighbouring properties according with Policy CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the relevant sections of the NPPF (2019).

Impact on Highway Safety and Parking

9.24 The NPPF (2019), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Saved Policy 58 of the Local Plan (2004) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.25 The proposal would involve the demolition of the existing chalet bungalow and construction of a row of four terraced dwellings, with off-street parking provision being provided for each dwelling via an integral garage and parking space. Given that each dwelling would comprise off-street parking provision for two cars, the proposed parking arrangements would accord with the Council's maximum parking standards. It is also noted that the site is situated within a sustainable location, with on street parking available.

9.26 Hertfordshire County Council were consulted on the application as the Highways Authority, and raised objections to the proposal on highway and pedestrian safety grounds, noting that they would not consider the new parking arrangements to have an adverse impact on the safety and operation of the adjoining highway, subject to certain conditions and informatives. It is also noted that the Highways Authority have raised no objection to the proposal in relation to additional traffic movements that would be generated by the addition of new dwellings, and the increased quantum and intensity of the development.

9.27 Given everything considered above, the proposal is considered to be acceptable in terms of its impact on highway and pedestrian safety, according with Policies CS8 and CS12 of the

Dacorum Borough Core Strategy (2013), Saved Policy 58 of the Local Plan (2004) and the NPPF (2019).

Other Material Planning Considerations

Amenity Space

9.28 Saved Appendix 3 of the Dacorum Borough Local Plan (2004) seeks to ensure that new development retains sufficient private amenity space for future occupiers, stating that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. It also notes that a reduced rear garden depth may be acceptable in some cases, in particular, for development that backs onto, or is sited within close proximity of open land, public open space or other amenity land.

9.29 Given that each of the dwellings would comprise long rear gardens measuring over 20m deep, it is considered that sufficient private amenity space would be retained for current and future occupiers of the site. As such, the proposal accords with Saved Appendix 3 of the Local Plan (2004).

Waste Management

9.30 The application provides details for refuse storage, noting that each dwelling would comprise an integral bin store. Though no details have been provided to indicate the proposed refuse collection arrangements, it is assumed that the bins would be collected from the front of the site, in accordance with the existing refuse collection arrangements. Noting that the bins would not need to be taken more than 25m to be collected, these arrangements comply with the standards set out under the Dacorum Refuse and Storage Guidance Note (2015).

Trees and Landscaping

9.31 The proposal will result in the loss of a number of low category trees, including a small collection of conifer and fruit trees. The Trees and Woodlands Officer was consulted in regards to this element of the proposal and has raised no objection to these works, noting that the site does not currently comprise any significant trees or landscape features worthy of protection and retention.

9.32 The submitted arboricultural report and landscape proposal plan (drawing 05) however note that new shrubs and Sorbus trees would be planted on the site. The Trees and Woodlands Officer has also considered these plans, noting that these landscaping arrangements are acceptable and sufficient for a development of this scale.

Response to Neighbour Comments

9.33 Four neighbours have raised objections to the proposed scheme. The points raised have been considered and discussed in more detail during earlier sections of the report.

Community Infrastructure Levy (CIL)

9.34 Policy CS35 of the Core Strategy (2013) requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1st July 2015. The application is CIL liable.

10. CONCLUSION

10.1 The application is recommended for approval.

10.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed demolition of the existing bungalow and construct of a terraced row of four dwellings is considered to be acceptable in design terms, given that the works would not be considered to detract from the character and appearance of the streetscene or surrounding area. Furthermore, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Given the advice provided by the Highways Authority, it is not considered that the proposed development would give rise to significant highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would also be provided for future occupiers of the site in line with the relevant policies. Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004).

11. RECOMMENDATION

11.1 That planning permission be granted.

Condition(s) and Reason(s):

- 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. Contaminated Land Condition 1:**

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- (ii) The results from the application of an appropriate risk assessment methodology.**

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Core Strategy (2013).

3. Contaminated Land Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Core Strategy (2013).

4. The development shall not be brought into use until the new vehicle crossovers have been constructed in accordance with the approved plans.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use in accordance with Policies CS8 and CS12 of the Core Strategy (2013) and the NPPF (2019).

5. Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety in accordance with Policies CS8 and CS12 of the Core Strategy (2013) and the NPPF (2019).

6. Prior to the first occupation of the development hereby permitted the proposed access and on-site car parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan drawing no LAS TR 05 and retained thereafter available for that specific use.

Reason: In the interest of highway safety in accordance with Policies CS8 and CS12 of the Core Strategy (2013) and the NPPF (2019).

7. The landscaping works shown on the drawings 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).

8. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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, and E; Part 2, Classes A, B and C.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character of the area, in accordance with Policy CS12 of the Dacorum Core Strategy (2013).

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

**Proposed Floor Plans and Elevations - Plan 1: PAD/DEC/001
Proposed Floor Plans and Elevations - Plan 2: PAD/DEC/001
Arboricultural Survey and Impact Assessment
Design and Access Statement
Landscape Proposals Plan - 05
Site Location Plan
Site Survey - K45-17**

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

Informatives:

1. Planning permission 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. CONTAMINATED LAND INFORMATIVE:

The above Contaminated Land Conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land.
3. HIGHWAY INFORMATIVES:

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

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Tring Town Council	The Council recommended refusal of this application on the grounds that the proposed development was over-development of the plot and out-of-keeping with a three storey design that would be over-bearing close to the pavement and of an appearance dominated by garages at street level. This would further erode the character of the road that has taken place from the junction with Miswell Lane. TCA2 refers to 'the design being generally of high quality. There is considerable variety throughout but with some particularly strong desing themes present in those from the first half of the twentieth century, which collectively predominate as dwelling types'. This is the situation from number 100 Longfield Road westward.
Environmental And Community Protection (DBC)	No objections on noise or air quality grounds. As the site has existing residential neighbours in the vicinity and owing to scale of the project I would advise including the informative for construction noise and dust.

Construction Hours of Working - (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

CONTAMINATED LAND

Having reviewed the documentation submitted with the above planning application and having considered the information held by the Environmental Health Department I have the following advice and recommendations in relation to land contamination.

The application is for the introduction of a residential land use on to a site that has previously been developed, most recently with the residential dwelling that currently occupies the site. Therefore, the possibility of the presence of ground contamination associated with previous developments and their associated activities cannot be ruled out at this time. As such it is recommended that the following planning conditions are imposed on the permission, should it be granted. This advice is also consistent with that provided in relation to the application reference 4/01301/18/FUL.

Contaminated Land Conditions:

Condition 1:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk

assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible;

	<p>a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informatives: The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land.</p>
Hertfordshire Highways (HCC)	<p>Decision</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 the new vehicle crossovers have been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.</p> <p>Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.</p> <p>2. Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.</p> <p>Reason: In the interest of highway safety.</p>

3. Prior to the first occupation of the development hereby permitted the proposed access and on-site car parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan drawing no LAS TR 05 and retained thereafter available for that specific use.

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

INFORMATIVES:

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

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

	<p>COMMENTS</p> <p>This application is for Demolition of existing bungalow to be replaced by the erection of a terraced row of four residential dwellings, to include all associated works.</p> <p>PARKING</p> <p>One on-site parking space per dwelling is proposed</p> <p>ACCESS</p> <p>Two double vxos are to be constructed onto Longfield Road. Longfield Road is an unclassified local access road with a speed limit of 30mph, so vehicles are not required to enter and exit the site in forward gear. There have been no accidents in the vicinity of the site in the last 5 years.</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>
Trees & Woodlands	<p>There are no significant trees or landscape features worthy of protection and retention on this site. There is a collection of small ornamental trees including conifers and some fruit trees scattered throughout the rear gardens but none merit retention. The applicant has submitted a planting scheme with the arboricultural report which supports the application with a number of new Sorbus trees. I consider these are sufficient of a development of this size and consequently recommend approval.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
13	4	0	4	0

Neighbour Responses

Address	Comments
100 Longfield Road	We object to the proposal on the following grounds:

<p>Tring Hertfordshire HP23 4DE</p>	<p>1. The proposed development would see a further 3-4 public on street parking spaces removed. The parking situation on Longfield Road is already at capacity with cars frequently being double parked and parked half on the pavement, creating a dangerous environment on a street with numerous young families. This dangerous situation would no doubt be exacerbated by the proposed development. The creation of 4x 4 bedroom family homes would likely bring at least 8 (possibly more) additional vehicles to the street, plus associated visitors, guests etc. Whilst we acknowledge that some provision has been made for parking / garages we seriously question if this would be at all sufficient or utilised appropriately. Unless the council is to revise it's rules regarding converting front gardens into off street parking for existing properties, then we would be opposed to this and all future plans of this nature.</p> <p>2. The proposed plans are lacking some basic information. The size and exact location of the properties is unclear. Therefore we cannot assess the total impact of overshadowing on No. 98 and No.100, however from what we can see it appears both would be negatively affected. Just from the initial drawings it appears the proposed development would be considerably higher than neighbouring properties, which we believe will reduce light levels. Furthermore the level to which the privacy of these properties will be invaded by the proposed development is unclear.</p> <p>3. The style of the proposed development is not in keeping with the rest of the street or surrounding area. Longfield Road has numerous period properties dating back to the early 1900s which are predominantly 2 storey, semi-detached, cottage style dwellings. We believe Dacorum BC have stated that development sites adjacent to established housing dating from the first half of the 20th Century should " follow it's architectural themes, broad proportions and general design". It goes on to state "it should relate well in terms of the design, type, scale, bulk and layout of nearby and adjacent development". Importantly it adds that "height should not normally exceed 2 storeys". It is clear from the proposed plans that none of these criteria have been satisfied and thus we must object to the proposal.</p>
<p>98 Longfield Road Tring Hertfordshire HP23 4DE</p>	<p>Would like to make a further objection based on:</p> <p>LOSS OF PARKING</p> <p>The extensive driveways for the four terraces proposed will take away three valuable off-street parking spots. The entire frontage seems to be taken up by driveways. This is what I can ascertain from the limited plans and information required.</p> <p>I would like to object to the application on the following grounds:</p> <p>1. Lacking Information</p> <p>Summarised site plans do not show:</p>

	<ul style="list-style-type: none"> - Heights and shadowing against my property 98 Longfield Rd. There should be measurements showing exact heights against the existing property. - Some schematics of where the rubbish will be stored. - Seems like there will be no windows on the side of properties that will affect neighboring property privacy. Could this be confirmed? - Vicinity of the property to my border. From the brief information I have it looks as though the terraces will be very close to the border. - Could it be confirmed the garaged car space is the appropriate width to fit a car. Many of the garages I see are more for storage and not adequate to fit a car. <p>There should be further surveys outlining loss of light and lines of sights to understand any invasion of privacy.</p> <p>2. Avoid visual intrusion, loss of light/sunlight, loss of privacy and disturbance to the surrounding properties.</p> <ul style="list-style-type: none"> - My greatest concern is there will now be a three story property right on the border of my property. It seems it is too close to the boundary and will affect light coming into the back of my property. - It would seem three terraces would be more reasonable for this size property to ensure there is adequate distance between boundaries and neighboring properties thus light would then not be affected. <p>3. Housing density affecting the Street and parking:</p> <ul style="list-style-type: none"> - I understand there will be two car spaces per property. One garaged and one off street parking. Could it be confirmed if the garaged car spot will truly be able to fit a standard car. Many of these developments only allow for storage in the garage? - The proposal requests 4 dwellings. With four dwellings comes further traffic and visitors requiring parking. Longfield road is at capacity there is no more room for off street parking. This development tips Longfield road over the edge in terms of density for the area.
<p>Green Meadows Longfield Road Tring Hertfordshire HP23 4DF</p>	<p>Green Meadows, Longfield Road, HP23 4DF adjacent property to the proposed development.</p> <p>We would like to object on the following grounds:</p> <ol style="list-style-type: none"> 1. The proposed design is not in keeping with the rest of Longfield Road, either in terms of appearance or materials used. The appearance is that of a row of garages. 2. The proposed design will mean that there will be a further loss of parking spaces in an already very crowded road. The current property has its own parking within the plot, neighbours are currently able to park outside 96, this will no longer be possible. 3. Will people really want to store recycling bins inside their property? There is a strong possibility that bins will be stored on the front drive as there is no access to the rear of the middle properties.

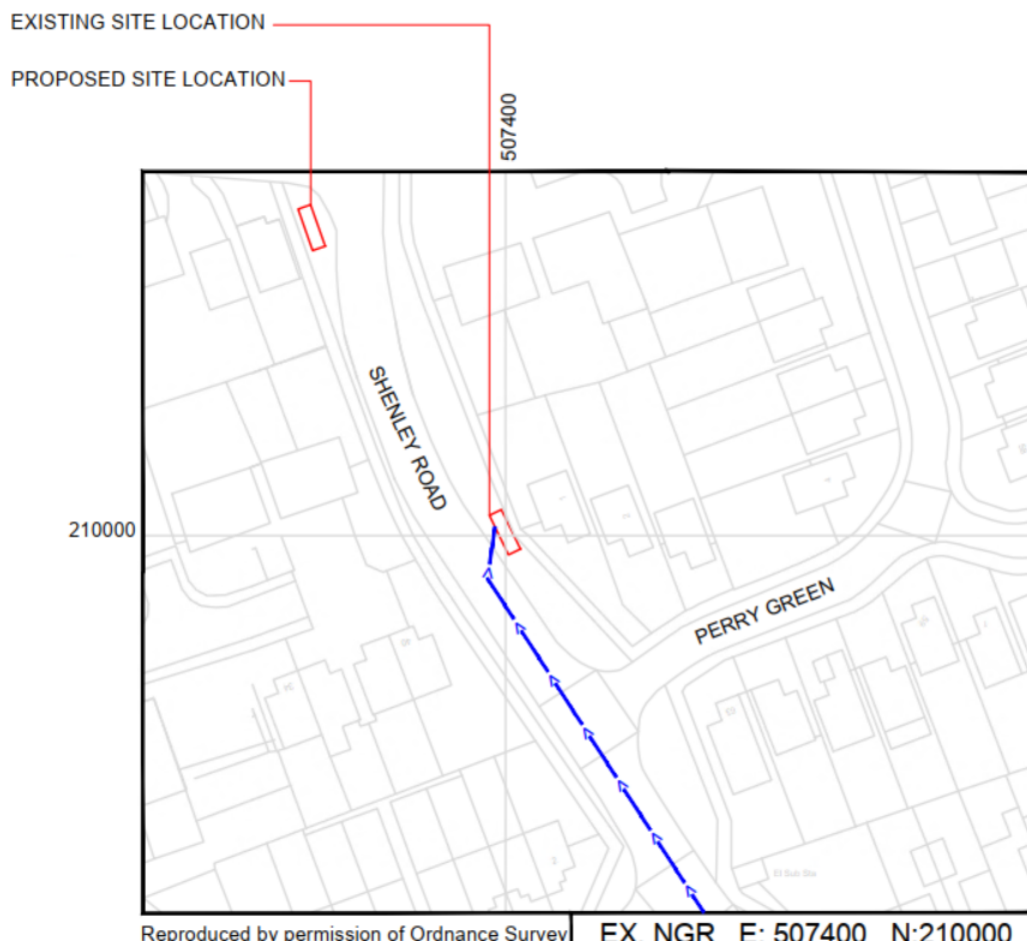
	<p>4. The design where cars are parked in tandem seems very inconvenient, it is likely that the garage will be converted to living accommodation. This will leave only one off-road parking space for a 3-4 bed house.</p> <p>5. This is overdevelopment of the site, there should be no need to build houses which have no rear access. There is really not room for 4 reasonable properties on this plot. A similar sized plot (no. 72) in the road was recently developed with 3 properties, of sympathetic design and having 6 external parking spaces.</p> <p>Other points:</p> <p>a) The artist's impression shows our property having a high fence and three tall trees. This gives the (erroneous) impression we will be screened from the development.</p> <p>b) The plans are lacking in detail regarding distance from adjacent properties, heights and sight lines.</p> <p>c) Some of the plans regarding elevations appear to be wrongly labelled. We weren't sure about the cycle cupboards - are they in the halls of the properties?</p>
<p>65 Longfield Road Tring Hertfordshire HP23 4DF</p>	<p>The front elevation of the proposed development is wholly out of keeping with the street scene, giving a bland, anonymous and wholly urban appearance, in a road largely characterised by late 19th/mid 20th century semi-detached housing, well separated and offering views out to the south between them. The design makes no attempt whatever to sympathise in terms of materials or stylistic elements with existing properties. The rear elevation design is not even shown. The incorporation of garages, with a single parking space directly in front, would be a big mistake, causing endless vehicle movements in order to extract cars from garages. The present building has off-road parking space with just one dropped kerb, leaving a number of on-street parking spaces. These would be entirely removed, to the detriment of existing residents. Whereas the present dwelling accommodates two cars, the proposal implies four, or eight, cars, adding to the considerable existing congestion in the road. The likelihood is that owners would very soon seek to convert the garages to domestic use.</p>

Agenda Item 5c

Item 5c 20/00150/FUL

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

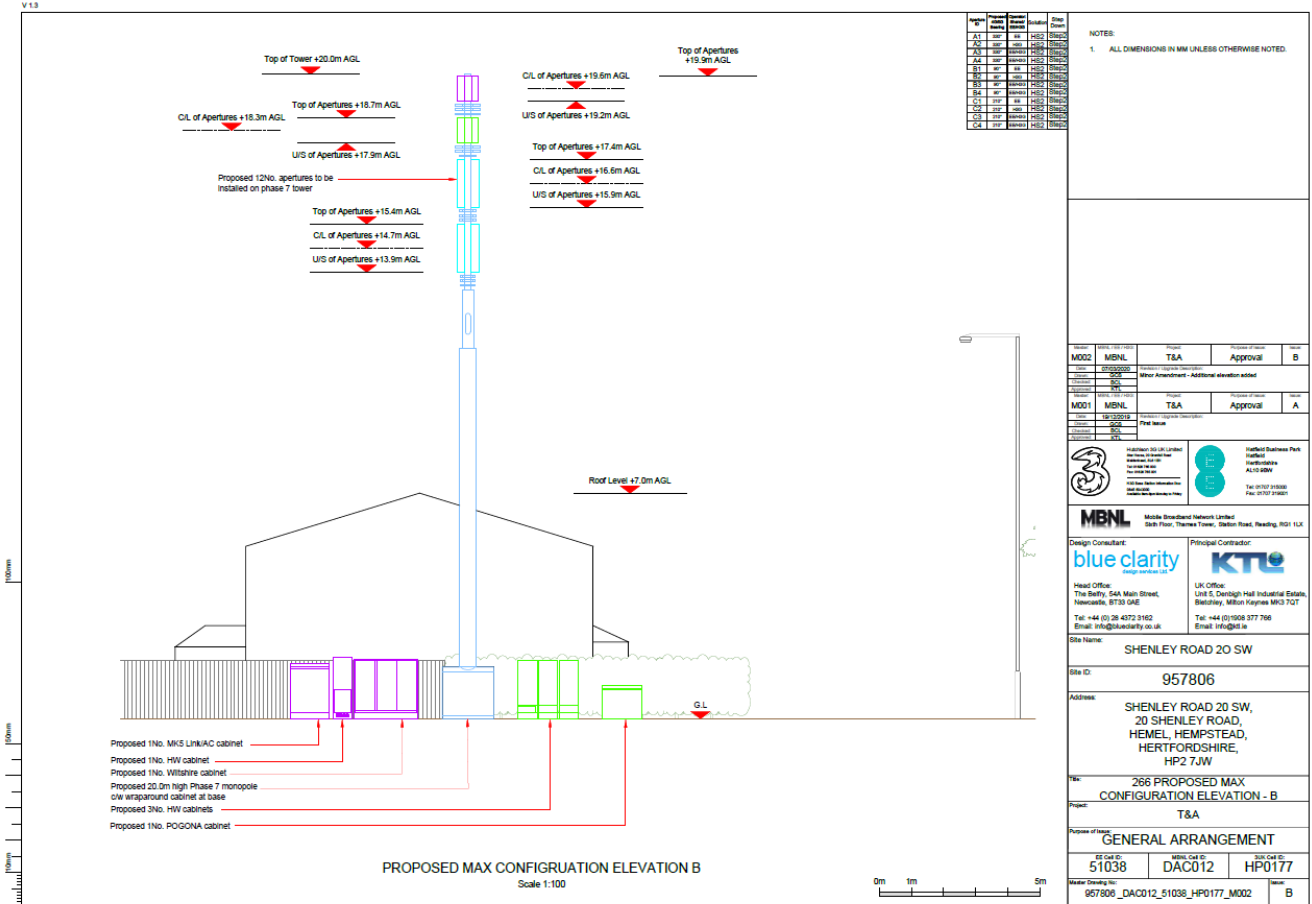
Land adj. 1 Elstree Road, Hemel Hempstead, HP2 7NE



Item 5c 20/00150/FUL

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

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



Item	Part	Material	Quantity	Notes
1	100	100	100	
2	100	100	100	
3	100	100	100	
4	100	100	100	
5	100	100	100	
6	100	100	100	
7	100	100	100	
8	100	100	100	
9	100	100	100	
10	100	100	100	
11	100	100	100	
12	100	100	100	
13	100	100	100	
14	100	100	100	
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21	100	100	100	
22	100	100	100	
23	100	100	100	
24	100	100	100	
25	100	100	100	
26	100	100	100	
27	100	100	100	
28	100	100	100	
29	100	100	100	
30	100	100	100	

NOTES:
1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.

MOD0	MBNL	T&A	Approval	B
Minor Amendment - Additional elevation added				
MOD1	MBNL	T&A	Approval	A
First Issue				

HeadOffice: 3rd Floor, The Gateway, 500 High Street, Reading, RG1 1UL
Tel: 0118 9363000 Fax: 0118 9363001

HeadOffice: 5th Floor, The Gateway, 500 High Street, Reading, RG1 1UL
Tel: 0118 9363000 Fax: 0118 9363001

HeadOffice: 5th Floor, The Gateway, 500 High Street, Reading, RG1 1UL
Tel: 0118 9363000 Fax: 0118 9363001

Design Consultant: **blue clarity** design services Ltd
Head Office: The Saffry, 54A Main Street, Newcastle, BT23 9AE
Tel: +44 (0) 28 4372 3162 Email: info@blueclarity.co.uk

Principal Contractor: **KTC**
UK Office: Unit 5, Denigh Hill Industrial Estate, Bletchley, Milton Keynes MK3 7QT
Tel: +44 (0) 1508 577 706 Email: info@kct.co.uk

Site Name: SHENLEY ROAD 20 SW
Site ID: 957806
Address: SHENLEY ROAD 20 SW, 20 SHENLEY ROAD, HEMEL, HEMPSTEAD, HERTFORDSHIRE, HP2 7JW
File: 266 PROPOSED MAX CONFIGURATION ELEVATION - B
Project: T&A
Purpose of Issue: GENERAL ARRANGEMENT
Issue No: 51038
Issue Date: DAC012
Issue By: HP0177
Master Drawing No: 957806_DAC012_51038_HP0177_M002
Scale: B

ITEM NUMBER: 5c

20/00150/FUL	Proposed 20m mast and associated cabinets at Corner of Shenley Road and Elstree Road to replace existing 14.70m Mast and cabinets on Shenley Road"	
Site Address:	Land ADJ 1 Elstree Road Hemel Hempstead Hertfordshire HP2 7NE	
Applicant/Agent:	Miss Daly	
Case Officer:	James Gardner	
Parish/Ward:		Woodhall Farm
Referral to Committee:	Called-in by Ward Councillor	

1. RECOMMENDATION

That planning permission be **GRANTED**.

2. SUMMARY

2.1 The application would enable existing 2G, 3G and 4G data services to be maintained while facilitating the ability to provide 5G data services in the future, in accordance with the aims and objectives of Section 10 of the National Planning Policy Framework.

2.1.1 It has been demonstrated by the applicant that there are no sequentially preferable sites within the maximum permissible search radius, appropriate consultation was carried out with local schools and ward councillors, and a certificate has been submitted to confirm that the monopole would comply with the relevant guidelines pertaining to non-ionizing radiation.

2.1.2 The structure would be higher than that which it replaces (located 55m to the south-east) but in the context of an urban area, it is not considered that the visual impact would be so severe as to weigh in favour of refusing planning permission.

2.1.3 Consideration has been given to the any potential impacts on the residential amenity of neighbouring properties. There would be no significant adverse impacts.

3. SITE DESCRIPTION

3.1 The application site is located on the western side of Shenley Road, Hemel Hempstead and comprises a grass adjacent to the public highway. It is proximate to the Shenley Road / Elstree junction and adjacent to the flank elevation of no. 1 Elstree Road.

4. PROPOSAL

4.1 Planning permission is sought for the erection of a 20 metres monopole and 8 associated cabinets. The monopole is proposed as replacement for a 14.7 metre version located approximately 55 metres to the south-east, which will be removed upon completion of the new site.

5. PLANNING HISTORY

5.1 No relevant history for this site.

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
CIL Zone: CIL3
Former Land Use (Risk Zone): Former Fireworks Factory, Woodhall Farm, Hemel
Parish: Hemel Hempstead Non-Parish
RAF Halton and Chenies Zone: Green (15.2m)
Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)
Smoke Control Order
EA Source Protection Zone: 3
Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. 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:

Dacorum Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of Public Realm
CS29 - Sustainable Design and Construction

Dacorum Local Plan

Policy 13 – Planning Conditions and Planning Obligations
Policy 126 – Electronic Communication Apparatus

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

Principle of Development
Quality of Design / Impact on Visual Amenity

Impact on Residential Amenity
Impact on Highway Safety and Parking

Principle of Development

9.2 Section 10 (paragraphs 112-116) of the National Planning Policy Framework (NPPF) sets out the approach that local planning authorities should take to the upgrade and expansion of electronic communication networks. It states that “*Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections*”

In the interests of limiting the number of radio and electronic communications masts, encouragement is given to re-using existing masts, buildings and other structures, although it is acknowledged that there will at times be a requirement for new sites. Where new sites are required, equipment should be sympathetically designed and, where appropriate, camouflaged.

9.2.1 Paragraph 115 of the NPPF requires applications for electronic communications to be supported by the information necessary to justify the proposed development:

- The outcome of consultations with organisations with in an interest in the proposed development.
- Evidence that the applicant has explored the possibility of erecting a mast on an existing building, mast or other structure.
- A statement that self-certifies that, when operational, International Commission guidelines on limiting exposure to electromagnetic fields will be met.

9.2.2 In accordance with paragraph 116, applications must be determined on planning grounds only and should not prevent competition between respective operators, question the need for an electronic communication system or set more stringent health safeguards than those set out in the International Commission guidelines for public exposure.

Consultation

9.2.3 A document entitled “SUPPLEMENTARY INFORMATION” was included as part of the supporting documents and outlines the consultation which took place prior to submission of this planning application:

- ☐ Letters and plans emailed to Woodhall Farm Ward Councillors on 14th November 2019.
- ☐ Letters and plans issued to Holtsmere Junior School and Holtsmere End Infant and Nursery School.

Alternative Sites

9.2.4 As the 5G mast would not be erected in the same location as the existing 2G/3G/4G mast, it is appropriate for alternative sites to be considered in accordance with paragraph 115 (c) of the NPPF. The supporting information suggested that this had not been done. However, contact was subsequently made with the planning agent who provided the following statement:

To ensure the efficient continued operation of the network, replacement sites must to be within a short radius of the existing mast to maintain the existing network coverage. If the mast was relocated even a short distance from the existing site, it could leave a gap in existing network coverage elsewhere. In order to maintain existing coverage, this necessitates a limited search area of approximately 100m from the existing site which is illustrated at figure 1 below.

Site placement is always critical in network planning and becomes even more so, when one is seeking to replace an existing base station already operating within the established cellular pattern.

When an existing site is lost, it leaves a very specific and unique gap in the network, much like removing a piece from a completed jigsaw would, which needs to be re-filled if users living and working within that area are to be able to continue to use their mobile phones and other wireless devices. This places even greater limitations on the potential siting opportunities, as many locations will not enable this specific gap to be adequately filled.

The characteristics of telecoms sites are that they must be environmentally suitable, capable of being developed (e.g. ground conditions) and safe and secure. For a rooftop installation the roof must be flat, be higher than the existing site with clear lines of site and be structurally able to accommodate the heavy equipment. Within the search area, the roof scape is pitched, domestic roofs where there were no alternative rooftop sites to consider. There are no large commercial buildings or sites which might offer a non-streetworks option.

MBNL can only consider siting a streetworks telecommunications facility on the adopted highway. The New Road & Streetworks Act 1991 allows statutory undertakers the right to install a facility in the adopted highway subject to a number of conditions, for example highway safety. If a site is not located in the adopted highway MBNL would need to seek a formal agreement with the registered landowner, and this could be a protracted process that could potentially take a number of years to formally agree.

Several constraints contributed to the proposed site selection including, space restrictions, underground services, trees, and dense residential properties. For these reasons, suitable options for the replacement upgrade, in this area, are limited. The existing site can-not be used due underground services present and space restrictions surrounding the site. The proposed site is the most suitable from a technical and town planning perspective.

Similar to the existing installation, the site subject of the proposal, at the front of a wide highways verge, not fronting the surrounding residential properties, **is well-placed to serve the entire residential area**. On this basis in accordance with guidance in the NPPF, the proposal is to upgrade the existing base station in this location.

To conclude, there are no sequentially preferable, suitable alternative sites for the provision of enhanced 4G and new 5G provision in this area.

9.2.5 Having reviewed the map showing a 100m radius of the site, there are no obvious alternative sites capable of housing the necessary equipment.

Public Health

9.2.6 Updated guidance on 5G technology (*5G technologies: radio waves and health*) was published by Public Health England (PHE) on 3 October 2019. The guidance states that a “*large amount of scientific evidence has emerged since the year 2000 through dedicated national and international research programmes that have addressed concerns about rapidly proliferating wireless technologies.*” Although the focus of the aforementioned studies was current communication technologies – i.e. not 5G technology - PHE highlights that the “*interaction between radio waves and body tissues are well understood at higher frequencies and are the basis of the present ICNIRP restrictions*”. They subsequently conclude that whilst 5G may result in a small increase in exposure to radio waves, the overall exposure would remain low to relative guidelines and, as such, there should be no consequences for public health.

9.2.7 Paragraph 116 of the NPPF is clear that local planning authorities should not set health safeguards different from the International Commission guidelines for public exposure.

9.2.8 The applicant has certified that that the proposed mast would be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP). Therefore, in these circumstances the NPPF advises that health safeguards are not something for a decision maker to determine.

9.2.9 A self-certification statement has been provided to state that the mast and cabinets) are in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP), as expressed in EU Council recommendation of 12 July 1999 (1999/519/EDC) on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)".

9.2.10 As the required ICNIRP certificate has been received, we cannot consider the health implications of the proposals any further.

Quality of Design / Impact on Visual Amenity

9.3 The approach taken by Saved Policy 126 of the Dacorum Local Plan (2004) is for applications for electronic communications apparatus to be assessed with regard to size, colour and appearance; local topography, relationship with adjoining dwellings, the presence of trees in the vicinity and the extent to which they screen the site; the size, form and prominence of other authorised telecommunications apparatus in the vicinity.

9.3.1 Policies CS11 and CS12 of the Dacorum Core Strategy seek to ensure that, amongst other things, development preserves attractive streetscapes and integrates with the streetscape character.

9.3.2 The site of the proposed 5G mast is located at the junction of Elstree Road and Shenley Road – a looped local distributor road lined by mature trees and grass verges. Dwellings are generally set at 90 degrees to the road and street furniture is a common feature of the area.

9.3.3 The mast would be 20 metres in height but would be seen against the backdrop of common urban features such as residential dwellings, lampposts and trees. Whilst it is acknowledged that it would be considerably higher than the nearby dwellings, owing to the relatively flat topography of the immediate area it would only be fully visible from a limited number of locations within the street scene. In addition, when travelling along Shenley Road in a northerly direction the mast would be seen against a cluster of mature trees, which would help to soften its overall appearance. It is submitted that the average person moving through the street would largely perceive only the parts of the mast at eye level, and although longer distance views over the top of roofs may be possible from nearby roads, visibility does not automatically equate to visual harm. Indeed, the area does not fall within the boundaries of a Conservation Area, the Chilterns Area of Outstanding Natural Beauty or a rural area. It is not therefore a visually sensitive landscape. In terms of limiting the overall height, it has been confirmed that the current height of the proposed mast is the minimum capable of providing the technological improvements sought and satisfying ICNIRP requirements. The location of the mast – on a grass verge adjacent to the public highway – is not an unusual location; nor would it draw unnecessary attention to it. The use of Highway land obviates the need for protracted discussions with private landowners and therefore tends to be the favoured location for such equipment.

9.3.4 The proposal also includes the installation of eight ancillary radio equipment cabinets. These would not, however, be large in scale and are of similar appearance to those already in situ at the original site. Should planning permission be granted, a condition will be included which requires the cabinets to be painted dark green to aid integration with the grass verge.

9.3.5 In accordance with paragraph 113 of the NPPF, which seeks to keep the number of radio and electronic masts to a minimum, should planning permission be granted, it is considered appropriate to impose a condition requiring removal of the existing radio equipment cabinets within a period of three months from the date that the planning permission is commenced. It is understood that the construction programme can take up to two months; therefore, three months would appear to be a reasonable time-scale to integrate the new mast into the network and remove the old equipment. The planning agent has confirmed that this is acceptable. With regard to the existing mast, whilst the applicant has offered to remove the shroud and antennae, this does not go far enough; rather, it is considered reasonable to require the removal of the mast in its entirety and its replacement with a slim-line lamppost to match those already found within the street.

9.3.6 The removal of this mast and cabinet reduces street clutter and therefore the new installation should be seen in the context of what extra is being provided and not in its totality.

9.3.7 Taking all of the above into account, it is not considered that the proposed development would be unduly prominent or detrimental to the visual amenities of the area. It therefore follows that it would accord with saved Policy 126 of the Dacorum Local Plan and Policies CS11 and CS12 of the Dacorum Core Strategy.

Impact on Residential Amenity

Noise

9.4 Policy CS12 of the Dacorum Core Strategy seeks to ensure that, amongst other things, development avoids disturbance to surrounding properties.

9.4.1 Noise from the fans within the radio equipment cabinets has been identified as a cause for concern, for these could potentially have an adverse impact on the first floor window of no. 1 Elstree Road and its amenity space.

9.4.2 Specifications for the fans has been provided; however, the data in isolation is meaningless as it does not take account of the local noise context. For example, if the ambient noise within the area is low, even a fan with a modest dB rating could potentially adversely impact a nearby property. Conversely, a loud fan within a high noise environment may not give rise to concerns. The Council's Environmental Health Officer has therefore recommended that a condition be imposed which requires a noise management plan to be submitted to and approved in writing by the local planning authority prior to first use. The proposed wording of the condition is as follows:

The use hereby approved shall not be operated until a noise management plan, including a scheme of noise mitigation (if required) has been submitted to and approved by the Local Authority. The approved plan shall ensure/demonstrate how adverse effects from noise to nearby residential occupiers are to be avoided.

The noise management plan and any required scheme of noise mitigation shall be prepared and compiled by an appropriately experienced and competent persons.

The development shall be carried out in accordance with the approved noise management plan, including any noise mitigation measures required as part of the approved plan.

9.4.3 This will ensure that, where appropriate, mitigation is provided to ensure that local residents are not detrimentally impacted by noise and disturbance.

9.4.4 Subject to the inclusion of the above referenced condition, the development does not give rise to concerns from a noise perspective.

Overshadowing

9.4.5 Concerns have been raised in connection with overshadowing. The nearest dwelling to the application site is no. 1 Elstree Road, which is located to the west. The mast would be sited approximately 1/3 of the way along the gable end. As such, it is unlikely that this would result in overshadowing of the garden. Even if the orientation and location were not favourable, it is not considered that the level of limited overshadowing caused by the mast would be so severe as to weigh in favour of a refusal of planning permission.

Visual Intrusion

9.4.6 The number of dwellings that would front the mast would be limited to nos. 2, 4 and 6 Elstree Road. These dwellings are located a considerable distance away and would have very limited views of the mast owing to the presence of a large group of trees on the intervening amenity green.

9.4.7 It is noted that no. 1 Elstree Road has a side-facing window facing the proposed mast; however, this appears to serve a bathroom and is fitted with obscured glass.

9.4.8 In light of the above, it is not considered that the mast would result in a significant visual impact on the nearby dwellings.

Wind Noise

9.4.9 The Council has no specific policy in terms of addressing wind noise generated by a tall structure. However, given its relatively limited height (compared with tall buildings which have caused such issues in cities) and its cylindrical shape it is considered unlikely that this would divert the wind in such a way as to result in unacceptable noise impacts.

9.4.10 The Council's Environmental Health Officer has been consulted but is not aware of complaints being made about similar structures within the borough.

Impact on Highway Safety and Parking

9.5 The mast and radio equipment cabinets are located within the centre of the grass verge, away from the kerbside and back from the give-way lines at the Elstree Road / Shenley Road junction. As such, any vehicles waiting to turn right at the give-way lines would have an unobstructed view along Shenley Road, and would therefore be able to manoeuvre safely. Visibility has been demonstrated on "004 VISIBILITY SPLAY PLAN".

9.5.1 The Highway Authority have not raised any objections to the application. A follow-up email was sent to the highway officer concerned to clarify that the proximity of the nearby pedestrian crossing had been taken into account, in response to which the following reply was received:

9.5.2 *The remaining levels of vehicular to vehicular visibility at the junction of Elstree Road and Shenley Road would be considered to be acceptable and in accordance with Roads in Hertfordshire: Highway Design Guide.*

9.5.3 It can be concluded that there are no fundamental issues which would result in detrimental impact on highway or pedestrian safety.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.6 No implications.

Electronic Interference

9.6.1 It has been confirmed by the agent that “*authoritative evidence has been produced to suggest that 5G masts result in interference to television signals.*”

Response to Neighbour Comments

9.7 These points have been addressed above.

Community Infrastructure Levy (CIL)

9.8 This application is not CIL liable.

10. CONCLUSION

10.1 It has been demonstrated by the applicant that there are no sequentially preferable sites within a 100m search radius. The requirements of paragraph 115 of the NPPF have also been satisfied; that is to say, information has been provided in respect of the following:

- The outcome of consultations with organisations with in an interest in the proposed development.
- Evidence that the applicant has explored the possibility of erecting a mast on an existing building, mast or other structure.
- A statement that self-certifies that, when operational, International Commission guidelines on limiting exposure to electromagnetic fields will be met.

10.1.2 In the context of an urbanised area of Hemel Hempstead, which includes lampposts, broadband cabinets and dwellings, the proposed mast would not appear incongruous and would, in time, be seen as merely an additional piece of street furniture. Its height is the minimum required to carry out its necessary function and comply with the ICNIRP guidelines on exposure to non-ionizing radiation.

10.1.3 In terms of any adverse impacts on the amenity of neighboring properties, as outlined in the report it is not considered that these would be so severe as to warrant a refusal of planning permission. Health impacts have been addressed by virtue of the developer certifying that the installation would comply with ICNIRP guidelines. The nearest dwellings with a direct view of the mast (nos. 2, 4 and 6 Elstree Road) are located a significant distance away, and a large group of trees would shield much of the mast from view. Given the separation distance, it is not considered that the development would be overbearing. The side facing window of no. 1 Elstree Road appears to be a non-habitable bathroom window, so it is unlikely that the mast would be visible or result in any significant effects – be these visual or in terms of shadowing.

10.1.4 Highway safety has been addressed. The mast and associated cabinets would not result in a reduction in visibility for cars waiting at the give-way lines at the Elstree Road / Shenley Road junction.

11. RECOMMENDATION

11.1 That planning permission/listed building consent be **GRANTED** subject to conditions.

Condition(s) and Reason(s):

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:**

**Master Drawing No: 957806_DAC012_51038_HP0177_M001 (Issue A)
Title: 100 Existing Site Plan**

**Master Drawing No: 957806_DAC012_51038_HP0177_M001 (Issue A)
Title: 150 Existing Site Elevation**

**Master Drawing No: 957806_DAC012_51038_HP0177_M001 (Issue A)
Title: 215 Proposed Max Configuration Site Plan**

**Master Drawing No: 957806_DAC012_51038_HP0177_M001 (Issue A)
Title: 265 Proposed Max Configuration Elevation**

**Master Drawing No: 957806_DAC012_51038_HP0177_M002 (Issue B)
Title: 266 Proposed Max Configuration Elevation**

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

3. **The use hereby approved shall not be operated until a noise management plan, including a scheme of noise mitigation (if required) has been submitted to and approved by the Local Authority. The approved plan shall ensure/demonstrate how adverse effects from noise to nearby residential occupiers are to be avoided.**

The noise management plan and any required scheme of noise mitigation shall be prepared and compiled by an appropriately experienced and competent persons and include time-scales for implementation.

The development, including any noise mitigation measures, shall be carried out in accordance with the approved noise management plan, and in accordance with the implementation timescales found therein.

Reason: In order to ensure that the adjacent dwelling is not adversely impacted by noise and disturbance, in accordance with Policy CS12 of the Dacorum Core Strategy.

4. **All cabinets scheduled for removal, as shown on the following drawings shall be removed within 3 months of the date that work in respect of this planning permission commences:**

**Master Drawing No: 957806_DAC012_51038_HP0177_M001 (Issue A)
Title: 215 Proposed Max Configuration Site Plan**

**Master Drawing No: 957806_DAC012_51038_HP0177_M001 (Issue A)
Title: 265 Proposed Max Configuration Elevation**

Reason: In order to keep the number of sites used for radio and electronic communications masts to a minimum and in the interests of the visual amenities of the area, in accordance with paragraph 113 of the NPPF and Policies CS11 and CS12 of the Dacorum Core Strategy (2013).

5. **Notwithstanding the details provided within the document entitled "SUPPLEMENTARY INFORMATION", the equipment cabinets hereby approved shall be painted dark green within 2 months of installation.**

Reason: In the interests of the visual amenity of the area and to ensure that the development satisfactorily integrates with the streetscape character, in accordance with saved Policy 126 of the Dacorum Local Plan (2004) and Policies CS11 and CS12 of the Dacorum Core Strategy (2013).

6. **Within 3 months of the first operation of the mast hereby permitted, and notwithstanding the details shown on Drawing Nos 957806_DAC012_51038_HP0177_M001 (Issue A) Title: 215 Proposed Max Configuration Site Plan; and, Master Drawing No: 957806_DAC012_51038_HP0177_M001 (Issue A) Title: 265 Proposed Max Configuration Elevation, full details of a scheme to remove the existing telecoms column and replace it with a lamppost of standard construction shall have been submitted to and approved in writing by the local planning authority. The scheme shall include full specifications of the new lamppost, proposed elevations, a site plan and a timeline for the removal of the existing telecoms column and the installation of the replacement lamppost. The works shall then be carried out in accordance with the approved particulars and the timescales found therein.**

Reason: In order to avoid the proliferation of redundant digital communication apparatus, in accordance with saved Policy 126 of the Dacorum Local Plan (2004) and paragraph 113 of the NPPF.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	<p>Without more specific detail on the locality it is difficult to know if there will be an adverse noise impact.</p> <p>At the current location of Perry Green I cannot see any windows opening out on the current location, whereas at land adjacent to 1 Elstree I can see windows and this might give rise to noise issues if opening onto a habitable space. What we also aren't clear on is the number of fans, and if these have specific noise characteristics such as tonality or intermittency and could affect sound character.</p> <p>Basic sound level detail on its own without context means I can't say if this would be acceptable or not. We can either ask for a noise</p>

	assessment or require a condition which requires details of mitigation measures in lieu of a noise survey, should it indicate an adverse impact.
Environmental And Community Protection (DBC)	Having reviewed the application submission and the ECP Team 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
7	15	0	15	0

Neighbour Responses

Address	Comments
Woodhall House 11 Horton Gardens Hemel Hempstead Hertfordshire HP2 7NF	<p>It would be helpful to understand first why the new post is required, and why the original is not adequate.</p> <p>I just tried to access the details on the planning site and they have been removed.</p> <p>The location and height will degrade the area, and will affect the closest houses.</p> <p>If this is to extend to the new housing estates, maybe put the post on these plots rather than keep disturbing the original occupants in the area as it appears never ending, have to provide for the new but whilst the original have put up with nothing for decades.</p>
8 Elstree Road Hemel Hempstead Hertfordshire HP2 7NE	<p>Affect local ecology - The actual harm caused to health by the electromagnetic radiation emitted by such masts is unconfirmed but is of real concern to the families/residents living in the vicinity of the mast, or even having to pass by the mast on a regular basis. Depending on the number of associated cabinets, the entire area of grass at the site may be permanently lost. Furthermore, opposite the site is a larger area of grass and trees, and electromagnetic radiation is thought to be harmful to local wildlife and some wildlife even abandon areas where new masts are erected as a result of this.</p> <p>Close to adjoining properties - The mast would be located at the end of a purely residential street (Elstree Road) and directly next to the curtilage of number 1 Elstree Road. This is unacceptably close to the houses at the location.</p>

Development too high - The proposal is that the mast is 20m high, much higher than the other buildings/houses in the locality and therefore it would be visible well above the current skyline of the estate.

General dislike of proposal - The mast will be situated too close to residential properties and will be an eyesore. It will be visible from the windows to the rear of my property and depending on its precise location, my back garden also.

Increase of pollution - Due to the telephone networks greater needs, masts now emit even higher levels of radiation than previously. Such a mast will obviously increase the amount of electromagnetic radiation in the vicinity, the harmful effects (to health and the environment) of which are currently unknown; studies carried out in some other countries, have linked the presence of masts to a deterioration in health.

Not enough information given on application - The application for the mast appears sparse, with insufficient detail supplied and many questions left unanswered. Will the antennae on the mast take it above 20m, or does the 20m stated take this into account? Why does it need to be taller than the existing mast? How many relating cabinets will be required? There are 5 on the existing site, which is significant. Will the entire area of grass be utilised and therefore lost? Will the existing mast and cabinets on Shenley Road be removed and the site reinstated to grass? Why can't the existing site be utilised/updated to accommodate a new mast?

Further to this, I live within metres and sight of the proposed site, but received no notification of the proposal until I was informed of it by a friend/neighbour. Neither has any notification been erected at the site, which sometimes appears to be the case. Should I have received notification?

Out of keeping with character of area - A mast of the proposed height and the relating cabinets will negatively impact on the appearance of the location and vicinity, which is currently residential, interspersed with green areas, another of which will be lost to this development.

Traffic or highways - The proposed site is situated at a busy junction and the mast, but particularly the relating cabinets, will negatively impact on the visibility of drivers turning out of Elstree Road, into Shenley Road. This is of even greater concern, as the edge of the grass area at the site abuts a pedestrian crossing, used frequently by children going to/from the 2 primary schools located on Shenley Road and older children using the cut through behind Elstree Road, to Astley Cooper Comprehensive School. If visibility at this junction is reduced, it is inevitable that there will be an increase in road traffic accidents.

Affect local ecology - The actual harm caused to health by the electromagnetic radiation emitted by such masts is unconfirmed but is of real concern to the families/residents living in the vicinity of the mast, or even having to pass by the mast on a regular basis. Depending on the number of associated cabinets, the entire area of grass at the site may be permanently lost. Furthermore, opposite the site is a larger area of grass and trees, and electromagnetic radiation is thought to be harmful to local wildlife and some wildlife even abandon areas where

new masts are erected as a result of this.

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Development too high - The proposal is that the mast is 20m high, much higher than the other buildings/houses in the locality and therefore it would be visible well above the current skyline of the estate.

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Not enough information given on application - The application for the mast appears sparse, with insufficient detail supplied and many questions left unanswered. Will the antennae on the mast take it above 20m, or does the 20m stated take this into account? Why does it need to be taller than the existing mast? How many relating cabinets will be required? There are 5 on the existing site, which is significant. Will the entire area of grass be utilised and therefore lost? Will the existing mast and cabinets on Shenley Road be removed and the site reinstated to grass? Why can't the existing site be utilised/updated to accommodate a new mast?

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<p>100 Elstree Road Hemel Hempstead Hertfordshire HP2 7QP</p>	<p>Will restrict view for cars and pedestrians crossing at road junction</p>
<p>2 Elstree Road Hemel Hempstead Hertfordshire HP2 7NE</p>	<p>Too close to 1 Elstree Road. The mast is too high for them area. The mast will be a visual intrusion from my kitchen and bedroom windows. I have received one letter from the council regarding this mast, some of the residents have received no Information whatsoever- more information is definitely required. There are other places on the estate where a mast could be erected where it would not intrude on house owners I.e. the original al site near Perry Green or nearer Sainsbury's where there is a vast wooded area and the mast could be reasonably hidden. The box next to the mast would be extremely noisy for the residents living close by. If the the mast was placed where you suggest I feel this would be dangerous for traffic turning right from Elstree Road on to Shenley Road - there is also a crossing where parents and children cross near this corner to get to the school.</p>
<p>4 Elstree Road Hemel Hempstead Hertfordshire HP2 7NE</p>	<p>Firstly, we share the concerns expressed by others regarding the unknown effects of living in close proximity to such a mast. Why does it need to be so close to homes? Why does the mast need to be moved from it's current location? Why has this location been chosen ? The proposed location is at a busy junction which also already has one of the few pedestrian crossings between this end of the estate and the local schools at Holtsmere End. We feel that the mast and associated cabinets are likely to impede visibility, increasing the risk of a collision. Finally, we agree with other comments that note the lack of detail attached to this proposal and we would welcome further scrutiny by the planning department of other alternative solutions.</p>
<p>6 Elstree Road Hemel Hempstead Hertfordshire HP2 7NE</p>	<p>Affect local ecology - There are numerous unconfirmed reports on the internet of the potential harm to health that these masts may cause to those living close by. Close to adjoining properties - The proposed mast would be directly adjacent to 1 Elstree Road, this is totally unacceptable. Development too high - A 20 metre high mast and the cabinets that go with this will negatively impact the overall appearance of the residential area and take away green space - this development will be directly visible from our property. General dispute of proposal - This is for the reasons outlined in this objection - A mast of this size should not be positioned so close to residential housing. Increase of pollution - This will produce high levels of electromagnetic radiation - it is not known what affect (if any) these masts have on the local environment and on people's health who live close by. This may also affect communication/TV signals to those living nearby. Noise nuisance - This will emit noise which for those living close by will be affected by.</p>

	<p>Out of keeping with character of area - A mast of this size and the associated cabinets will negatively change the visual look of the area.</p> <p>Traffic or highways - Positioning the mast and cabinets on the corner of Elstree Road/Shenley Road will be an additional hazard to motorists and pedestrians. This is a very busy junction, in which already there are regular 'near misses' - this will create further blind spots and a greater risk to an accident happening.</p>
<p>5 Elstree Road Hemel Hempstead Hertfordshire HP2 7NE</p>	<p>Location- The application refers to replacement of the existing facility but the plan shows unnecessary relocation onto the corner of Elstree Road.</p> <p>Over development- Their will be two masts within 50m of each other which is unnecessary and unsightly.</p> <p>Traffic- The proposed position is anticipated will obstruct the view of traffic turning in and out of Elstree road causing potential danger.</p> <p>Noise and close proximity- The proposed relocation is too close to the corner property and will be noisy and potentially disrupt communications (TV reception etc)</p> <p>Height and close proximity- the facility is too high now 20m from 14.3m in its original position and will be the tallest local object within 3.0m of the corner property.</p> <p>Affect on local ecology and over development. There is already communication control boxes at the far end of Elstree road and the existing one at Perry Green another would be over development.</p>
<p>7 Elstree Road Hemel Hempstead Hertfordshire HP2 7NE</p>	<p>This development is over 5 metres taller than the current one which will make it the tallest structure in the area, taller than all the houses trees and street lights and would therefore be very noticeable and degrade the area. It is therefore out of keeping with the area. No explanation is given why it has to be this tall and no explanation is given as to why the current site can not be redeveloped. The current site is situated on a straight part of the road away from junctions and on a wider verge the new location is on a junction which will restrict the view of cars emerging from Elstree Road and therefore increase the likelihood of accidents also there is a traffic island at this location with drop kerbs to assist pedestrians to cross the road and again this structure would restrict views for pedestrians crossing the road. Is this just a case of a new site is easier than redeveloping an old site. These mast are an eyesore and they should not be allowed and the companies requesting them should find better and less intrusive ways to carry on their business. It might only be a small piece of grass but it will be a small piece of grass we no longer have.</p>
<p>9 Elstree Road Hemel Hempstead Hertfordshire HP2 7NE</p>	<p>The street furniture associated with this mast will be an obstruction as you pull out of Elstree Road onto Shenley Road. There are 8 roads off Elstree and, therefore, the junction is very busy.</p> <p>This development will be over 65ft, which is much higher than anything else on our estate.</p> <p>Recently The Financial Times has highlighted that Switzerland has halted 5G rollout over health concerns which is very worrying for people living close by. Can you guarantee that there are no health issues</p>

	<p>associated with the mast?</p> <p>Too close to residential properties, especially No.1</p> <p>There are many other sites that are better suited for the location of this mast, why has Shenley/Elstree Road been chosen?</p> <p>Thank you for your considerations.</p>
<p>15 Morland Place Birmingham B31 2PF</p>	<p>The lack of visual information on the proposal makes it very difficult to judge the exact extent of the proposed development and the full impact it will have. No elevations or plans of the proposed mast and associated cabinets have been provided, apart from the height being noted at 20m. There is no indication of the plan size of the mast or number of, size and location of the associated cabinets or more accurate location information. No information is provided to be able to determine what is actually proposed to be erected on the site.</p> <p>The application states the size of the site being 0.1 hectares, this is not correct. The land proposed is at its widest part, approximately 5m with a maximum length of 38m. The patch of grass that has been identified as the proposed site already has a number of services within it, with two associated service pits/ covers (CATV), limiting the actual available land for location of the mast and cabinets.</p> <p>Within the document 957806 _dac012_51038_hp0177_m001 location plan, the photo of the site is a photo of the existing site, not the proposed site, and the link to street view is also of the existing, not highlighting the proposed location. The site address on the application form is also for the existing site, not the proposed. Under section 6. Existing Use -description of the current use of the site, it is noted as Existing telecommunications site. The new proposed site is not the existing telecommunications site but a patch of vacant green grass on the corner junction of two roads, with the Elstree Road street sign.</p> <p>The proposed location is on the land between a busy junction, where Elstree Road joins Shenley Road and a pedestrian crossing. The crossing is regularly used by children for their journey to and from school and to access the green land adjacent to Elstree Road. The mast and cabinets will restrict the view of both the pedestrian crossing and the Elstree Road junction.</p> <p>There does not appear to be any evidence that the existing site has been analysed and deemed inappropriate for the new mast, which is noted to be replacing the existing. No evidence submitted of potential proposed sites analysed. The location of the proposed development, on the corner of Shenley Road and Elstree Road, is highly prominent. The existing mast is partially visually screened by the presence of trees. The smaller size of the proposed site, lack of vegetative screening, its position and the significant increase of height would result in a much greater visual impact than the existing mast that it replaces.</p>

92 Elstree Road
Hemel Hempstead
Hertfordshire
HP2 7QP

92 Elstree Road Hemel Hempstead Hertfordshire HP2 7QP (Objects)

Affect local ecology - There are numerous unconfirmed reports on the internet of the potential harm to health that these masts may cause to those living close by. Close to adjoining properties - The proposed mast would be directly adjacent residential, this is totally unacceptable.

Development too high - A 20 metre high mast and the cabinets that go with this will negatively impact the overall appearance of the residential area and take away green space - this development will be directly visible from our property.

General dispute of proposal - This is for the reasons outlined in this objection - A mast of this size should not be positioned so close to residential housing.

Increase of pollution - This will produce high levels of electromagnetic radiation - it is not known what affect (if any) these masts have on the local environment and on people's health who live close by. This may also affect communication/TV signals to those living nearby.

Noise nuisance - This will emit noise which for those living close by will be affected by.

Out of keeping with character of area - A mast of this size and the associated cabinets will negatively change the visual look of the area.

Traffic or highways - Positioning the mast and cabinets on the corner of Elstree Road/Shenley Road will be an additional hazard to motorists and pedestrians. This is a very busy junction, in which already there are regular 'near misses' - this will create further blind spots and a greater risk to an accident happening.

Location- The application refers to replacement of the existing facility but the plan shows unnecessary relocation onto the corner of Elstree Road.

Must be a better location than proposed to reduce both health and environmental impacts. Has a detailed appraisal of alternative site locations been undertaken.

Over development- There will be two masts within 50m of each other which is unnecessary and unsightly.

92 Elstree Road Hemel Hempstead Hertfordshire HP2 7QP (Objects)

Affect local ecology - There are numerous unconfirmed reports on the internet of the potential harm to health that these masts may cause to those living close by. Close to adjoining properties - The proposed mast would be directly adjacent residential, this is totally unacceptable.

Development too high - A 20 metre high mast and the cabinets that go with this will negatively impact the overall appearance of the residential area and take away green space - this development will be directly visible from our property.

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Noise nuisance - This will emit noise which for those living close by will be affected by.

Out of keeping with character of area - A mast of this size and the associated cabinets will negatively change the visual look of the area.

Traffic or highways - Positioning the mast and cabinets on the corner of Elstree Road/Shenley Road will be an additional hazard to motorists and pedestrians. This is a very busy junction, in which already there are regular 'near misses' - this will create further blind spots and a greater risk to an accident happening.

Location- The application refers to replacement of the existing facility but the plan shows unnecessary relocation onto the corner of Elstree Road.

Must be a better location than proposed to reduce both health and environmental impacts. Has a detailed appraisal of alternative site locations been undertaken.

Over development- There will be two masts within 50m of each other which is unnecessary and unsightly.

Application

I consider the application to be seriously lacking in detail and the siting of the mast questionable. I believe the application should be rejected for reasons outlined below.

Planning Policy

Chapter 10 of the NPPF 2019 states 'equipment should be sympathetically designed and camouflaged where appropriate'.

Dacorum Policy 126 states - 'electronic communication apparatus should be assessed with regard to their appearance, size, form and siting.' (Policy at Appendix 1)

Paragraph 115 of the NPPF states that applications for electronic communications equipment should be supported by the necessary evidence to justify the proposed development and should include;

- The outcome of consultations with organizations with an interest in the proposed development;
- Evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self certifies that, when operational, international commission guidelines will be met.

Grounds for Objection

Lack of detail

The information submitted with the application is very sparse. No detailed elevations of the development have been submitted meaning that determining the visual impact of the proposal would prove difficult. Furthermore, without the submission of elevations or details of the structure's dimensions, it would prove difficult for the Council to undertake enforcement action if this was necessary in the future - as

	<p>there would be no information to refer to in regard to the appearance/scale of the development. Article 7 of the Development Management Procedure Order requires the submission of 'any other plans, drawings and information necessary to describe the development which is the subject of the application' - in my opinion, I would consider that, at the very least, scaled elevations should have been submitted to the Council for consideration.</p> <p>When considering the requirements of paragraph 115 of the NPPF (as outlined previously) no supporting evidence has been submitted with the application detailing how the applicant has explored the possibility of using the existing mast or any other building or structure. Furthermore, no details have been submitted that certify that international commission guidelines will be met, contrary to the requirements of the NPPF.</p> <p>Based on these points alone, I would consider that the Council does not have sufficient evidence to approve the application. I would expect an analysis of alternative sites to be submitted with the application to demonstrate that the applicant has considered alternative locations and outline reasons why the proposed site is the most appropriate place for the development to take place. In my opinion, masts of this size should not be located in residential areas.</p> <p>Visual Impact The siting of the proposed development, on the corner of Shenley Road and Elstree Road, is highly prominent and would undoubtedly have some visual impact on the street scene. The existing mast is somewhat screened in the streetscape by the presence of street trees. The lack of vegetative screening surrounding the proposed site, its prominent corner position and the significant increase of scale would result in a much greater visual impact than the existing mast that it replaces.</p> <p>Other As the development is proposed on Highway land and is adjacent to a junction (where it could impede visibility), it would be pragmatic in this instance to consult Highways on the application.</p> <p>Appendix 1 (Source: Local Plan 2004)</p> <p>Dacorum Policy 126 Electronic Communications Apparatus</p>
<p>3 Elstree Road Hemel Hempstead Hertfordshire HP2 7NE</p>	<p>Affecting Local Ecology - There are numerous unconfirmed reports on the internet of a potential harm to health that these masts may cause to those living nearby. The proposed location of the mast is adjacent to 1 Elstree Road and other residential properties and this is totally unacceptable.</p> <p>Development Too High - A 20metre high mast and the cabinets that go with this will negatively impact on the appearance of the residential area and take away the green space. This development will be directly visible from surrounding properties.</p> <p>General Dislike of the Proposal - This is for the reasons outlined in this objection, a mast of this size should not be positioned this close to</p>

	<p>residential housing.</p> <p>Increase of Pollution - This will produce high levels of electromagnetic radiation, it is not known what affect(if any) these masts have on the local environment and on peoples health who live close by. In other areas of the country there are unconfirmed reports of people suffering from electromagnetic hypersensitivity. This may also affect communication and TV signals to those living nearby.</p> <p>Noise Nuisance - This will emit noise which for those living nearby will be affected by this.</p> <p>Out of Keeping in Character of the Area - A mast of this size and cabinets will negatively change the visual look of this area and will stand out as a blot on the landscape of the immediate vicinity.</p> <p>Traffic or Highways - Positioning the mast and cabinets on the corner of Shenley Road / Elstree Road will be an additional hazard to motorists and pedestrians. This will create a blind spot and a greater risk of an accident happening on what is already a busy junction where there are regular near misses.</p> <p>Over Development - There will be two masts within 50metres of each other which will be unnecessary and unsightly.</p> <p>Location - The application refers to the location of the existing facility but the plan shows unnecessary relocation onto the corner of Shenley Road / Elstree Road. There must be a better location that proposed to reduce both health and environmental impacts. Has a detailed appraisal of an alternative site location been undertaken, for example Dacorum Borough Council Cupid Green Depot where there are similar installations.</p> <p>Unfortunately local residents have not been informed of this planning application in a respectful way such as leafleting through the door with appropriate notification.</p>
<p>1 Elstree Road Hemel Hempstead Hertfordshire HP2 7NE</p>	<p>Location- The application refers to replacement of the existing facility but the plan shows unnecessary relocation onto the corner of Elstree Road.</p> <p>Over development- Their will be two masts within 50m of each other which is unnecessary and unsightly.</p> <p>Traffic- The proposed position is anticipated will obstruct the view of traffic turning in and out of Elstree road causing potential danger.</p> <p>Noise and close proximity- The proposed relocation is too close to the corner property and will be noisy and potentially disrupt communications (TV reception etc)</p> <p>Height and close proximity- the facility is too high now 20m from 14.3m in its original position and will be the tallest local object within 3.0m of the corner property.</p> <p>Affect on local ecology and over development. There is already communication control boxes at the far end of Elstree road and the existing one at Perry Green another would be over development.</p> <p>Comments to recent HCC reviews that have been posted which are in addition to my previous comments:-</p> <p>Noise - Comments have been received from "Environmental and Community Protection" regarding the need for a noise assessment for equipment proposed to ascertain the extent of attenuation required due to its close proximity to the 1 Elstree Road window. My experience for this is that equipment would need to be located in a substantial housing larger enough to accommodate silencers which would make it</p>

untenable in the proposed location. 5G equipment is much noisier than the current control panels on the estate.

Traffic - Hertfordshire Highways have commented on 12-3-20. The comments appear to be generic and have not addressed the close proximity of the pedestrian crossing or requested details for the size of the 5G control panel layout and the large support structure required, for a 20m mast, to fully appreciate the visual obstruction. Also, this is a busy junction that has a past history of accidents which may not have been considered.

Health & Safety - Comments still awaited from the HSE. My view is that safety risks include the following.

a) Risk of lightning strikes to the tallest object on the estate (3 times the height of a house)

b) The antenna housing can detach itself in high wind which we are aware occurred at Adeyfield this year.

c) The 247-microwave radiation exposure to houses that are close to the mast can be harmful to health (5G produces significantly more radiation than previous networks and there is much evidence that it is potentially harmful).

Effect on local ecology - We have reviewed numerous documents on the internet reflecting the potential harm to health that these masts (with their microwave antenna) may cause to those living close by. Very little research has been carried out on the long term effects of living very close to the emitters. The EU launched a recent appeal to governments, started by 180 scientists and doctors from 36 countries, warning of the potential dangers of 5G networks and the need for an independent task force to reassess the health effects (www.jr-seco.com). References to safe levels of microwave radiation are from dated research and the data provided is meaningless to most of the public. In additional concern is that 5G uses higher frequencies than existing 4G (range 0.6Ghz -6Ghz) of much greater output (noting that microwave ovens use 2.5Ghz).

Although we appreciate that there is a desire to upgrade the mobile network surely a more appropriate position is near a commercial building (eg Sainsbury's) or in a green field (eg at the back of Arkley Road). We do not understand why there are not alternatives to 20m masts other than the cost associated with more smaller ones that would be more appropriate in this residential area.

Close to adjoining properties - The proposed mast would be directly adjacent to 1 Elstree Road (within 3.0m) and abutting the busy corner footpath. The structure on top of the mast could overlap. This is totally unacceptable.

Development too High - The current mast located adjacent 1 Perry Green is 14.3m and has a single emitter slightly larger than the pole. The current proposal adjacent 1 Elstree Road is 20m high with 12 antennae (this is 3 times the height of a house). From reviewing pictures on the internet, the pole diameter will be significantly larger than existing poles with a support structure on its top that could be 3.0m diameter with potential to expand further. This development will be directly visible from most of Woodhall Farm.

Should this structure be closer than its height to a house and still be acceptable?

In addition, associated cabinets will negatively impact the overall appearance of the residential area and take away green space. The size of the equipment and its protection has not been defined.

General dislike of proposal - This is for the reasons outlined in this objection - A mast of this size should not be positioned so close to residential housing. The details submitted are inadequate and do not show the layout of associated ground equipment or elevations of its impact on the local environment or the noise it will emit. It has not taken into account its affect on road traffic from the busy corner junction and the close proximity of the crossing (within a few metres).

Increase of Pollution - This will produce high levels of electromagnetic microwave radiation where it is unknown what affect these masts will have on the local environment or on people's health especially those that live close by. This may also affect communication/TV signals/ house wireless networks etc for those living nearby. It will also produce noise pollution particularly from fans associated with the cooling requirements of control boxes.

Information Missing from Plans -a) There is inadequate details provided for the mast. To fully understand the proposals a detailed plan and section of the control panels and their protection with a dimensioned elevation of the mast showing nearby houses and trees that demonstrates how the impact on the local area would be minimised. The detail should reflect the proposed installation of antenna on the top of which there are different types some looking like the one recently installed on the Leighton Buzzard road opposite the water Gardens car park.

b) Positioning the mast and cabinets on the corner of Elstree Road/Shenley Road restricts visibility to motorists and pedestrians and affects the nearby pedestrian crossing none of which has been considered on the plans.

Loss of Light - The proposed 20m mast will cast a shadow on many local residences.

Noise Nuisance - Noise will be emitted from the control boxes cooling fans which is not taken into account on the application. This will peak in summer when it is hottest.

The wind noise generated from the tall structure could be significant when so close. What assurances can be given that this will not occur?

Not Enough Info given on the plan -

a) The document does not demonstrate that the equipment does not exceed the safe levels of radiation to nearby properties. It should consider a risk assessment for a person carrying out maintenance on the roof of 1 Elstree Road and their close proximity to the emitters (potentially within 8.0m to the bottom of an antenna).

b) There is inadequate detail provided for the mast. To fully understand the proposals a detailed plan and section of the control panels and their protection with a dimensioned elevation of the mast showing nearby houses and trees that demonstrates how the impact on the local area would be minimised. The detail should reflect the proposed installation

of antenna on the top of which there are different types some looking like the one recently installed on the Leighton Buzzard road opposite the water Gardens car park.

c) Provide acoustic details for the equipment in summer when it is loudest, and how the noise will be controlled to be 10dba less than the night time background noise at the site boundary.

Out of keeping with the character of the area - A mast of this size and the associated cabinets will negatively change the visual look of the area. The application does not provide details of the mast that demonstrates its visual impact. There are many types of masts that can be used making them appear very industrial such as the one recently erected on the Leighton Buzzard Road.

Over Development - There will be two masts within 50m of each other which is unnecessary and unsightly.

Traffic or Highways - Positioning the mast and cabinets on the corner of Elstree Road/Shenley Road will further restrict visibility to motorists and pedestrians. This is a very busy junction, in which already there are regular 'near misses' and sometimes collisions - this will create further blind spots and a greater risk to an accident happening. In addition, there is a nearby pedestrian crossing (within a few meters) which is very busy in the morning and afternoon school run. This installation would put the junction and crossing at significant risk to traffic and pedestrians! This risk would persist for any future maintenance requirements for the mast.

Other - a) The planning submission states the site area to be 0.1 Hectare which is equivalent to 1000m². This is obviously incorrect and should be changed on the application.

b) The top of the structure has fixed equipment to a frame. These could work loose during severe weather. Anything falling would place pedestrians and traffic at great risk.

c) The application refers to replacement of the existing monopole. This is a misleading and an inaccurate description since the work describes only the provision of a new mast on a different site.

Note additional these comments in PDF have been sent by email to PO on 19-05-20

Planning Reference for the installation of a 20m mast at 1 Elstree Road submitted on 14-1-20 PP084444 ref 20/00150/FUL

Overview of further MBNL Documents uploaded to the planning Portal on 15-05-2020

1) Summary of main points that have not been addressed from the comments raised in the planning submittal.

a) A side elevation has now been produced but a cross section showing the closeness of the mast to 1 Elstree Rd has not been produced (this would demonstrate the 4:1 aspect ratio since the 20m mast is at best 5.0m away). There is not a clear plan layout produced that would have shown the over development of this corner with the several tall control panels. Surely there must be guidance regarding site aspect ratios? All but one of the drawings issued have the same drawing number, M001A, which implies that this company has inadequate quality assurance.

- b) There has been no response to the equipment noise generation and the closeness of the equipment to the 1 Elstree Rd openable side window (5.0m). The 5G equipment will be at least 70db as measured from existing 4G masts in Bennetts End, Warners End in February (this will be more in summer when the equipment heat is harder to dissipate). Surely environmental noise issues must be complied with? The comment from the DBC (dated 27-02-20) has raised this as an issue.
- c) There has not been a study of the loss of view to traffic that the tall equipment will cause. There has not been a traffic study but it is known that this corner has incurred several traffic accidents. The pedestrian crossing has still been ignored. The comments raised by Hertfordshire highways has made no mention to the pedestrian crossing or take into account the size, position and quantity of the equipment which was unknown at the time of them making their comments.
- d) The documents maintain that the new mast will be concealed by trees and not seen by nearby properties which is totally untrue since the proposed location is likely to be seen by much of the estate and there are no trees on the proposed site. Since the mast is 3 times the height of the house it will be seen directly by 100s of nearby houses. It is noted that the side window of 1 Elstree road will have a clear view of the mast 5.0m away
- e) Drawings of the existing mast layout has been issued presumably to confuse since these show much less visual impact.
- f) The risks of the greatly increased microwave radiation have not been answered. Old documents and studies are used again. Can we see evidence/ test data to prove that 5G technology is safe and accountability from named people? The certification document issued by MBNL (dated 2014-01-14) is non-specific and refers to the old 2014 mast (4G?) and only has a typed signature.
- g) The risk of falling objects from the exposed microwave transmitters and risk of lightning strike to the tallest object in the area affecting 1 Elstree Road is not addressed.
- h) It is noted that the HSE have currently made no comments.
- i) A study of alternative mast positions has not been produced which was requested in the planning comments since there are better positions on the estate, assuming that we must accept the roll out of 5G, namely the Sainsburys site. It is noted that the existing masts in the town are all located around shopping centres or commercial sites. An example of the current 20m 5G mast is located in Grovehill, but in an open area opposite the shops, remote from housing.
- j) We point out that 1 Elstree Road never received a planning submission letter and this is the most affected property. We have asked why but to date have not received an answer. We also point out that the pre planning consultation document issue to schools by Blue Clarity on 11-2019 only showed the existing mast being replaced and consequently is inappropriate and misleading for the current application!
- k) Finally would anyone want to have a 20m high microwave mast with several noisy equipment panels 5.0m from there house?

2) Review of each new Document submitted as per table below:-

Doc DOI	Description of Document	Comments	Item
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	<p>15-05-2020 957806 _DAC012_51038_HP0177_M001 LOCATION PLAN 1049110 (drg M001A) Same drg as original submission- drg does not show the road junction or the pedestrian crossing, the photo is of the existing mast at Perry Green and not of the proposed new location. 1</p> <p>24-01-2020 THE LOCATION PLAN 957806 _DAC012_51038_HP0177_M001 LOCATION PLAN- 1079064 (DrgM001A) Same drg as above, why reissue? 2</p> <p>14-05-2020 ADDITIONAL PLANS VISIBILITY SPLAYS 1079453 (drgM002B) Pedestrian crossing not shown. The equipment will obstruct the view of the junction and its tall mast would distract drivers. The curve in the road will further restrict view of the junction. 3</p> <p>15-05-2020 957806 _DAC012_51038_HP0177_M001 SITE PLAN AND OTHER PLANS -1079065 (drgsM001A,M001A,M100A,M001A,M001A) The 4 drawings are of the existing layout with a couple of overlays showing the new proposal. All drawings have the same number. All confusing and unprofessionally issued to confuse. The proposed mast is 5.0m away from the property and directly in front of the upstairs window and there are 7 tall equipment panels exceeding the width of the house. There is no cross section which would emphasize the aspect ratio. 4</p> <p>20-04-2020 ADDITIONAL PLANS 957806 _DAC012_51038_HP0177_M002- 1077281 (elevation drg M002B,) This drawing shows four sections of microwave dishes on top of the mast. Its height exceeds 1 Elstree Road highest point by nearly 13 m and guttering by 14m. It will be in front of a large openable side window that is not shown on the drawings. It will be the tallest object anywhere on the estate. There are no trees nearby to conceal it. The mast will be seen by 100s of houses and flats. 5</p> <p>15-05-2020 DAC012 LPA APPLICATION COVERING LETTER 1079061 Blue Clarity letter to Council Lists documents issued on 24-01-20. This is out of date correspondence and confusing. Should this not be a new submission that can be formally commented on. 6</p> <p>15-05-2020 DAC012 DEVELOPERS NOTICE CERTIFICATE 1079059 This is the original MBNL letter to the council requesting the land dated 24-01-20. 7</p> <p>15-05-2020 DAC012 DEVELOPERS NOTICE COVERING LETTER 1079060 Blue Clarity letter to Highways, roads and pavements dated 24-01-20 reissued unchanged. Will the new documents issued by BC and the local residents concerns that have been raised in the planning consultation now be addressed? Who is responsible for this? 8</p> <p>15-05-2020 MATT WARMAN MP LETTER ON 5G BROADBAND_RFCWG19-19-1079051 General letter issued by department of digital culture media and sport dated 11-2019. This is irrelevant to the application. 9</p> <p>15-05-2020 DAC012-51038-SHENLEY_ROAD_20_SW-ICNIRP_CERTIFICATE-247083-2020-01-17_13_35_03- 1079062 This is a certificate for the conformity to public guidance at the existing position dated 2012-1-2014 and therefore not applicable to the current application for a much more powerful mast. I want to see risk assessments carried out on people that might work on the roof and for the current position that takes into account the increasing evidence that continuous exposure to microwaves are harmful. The certificate is digital and the signature is only typed (Sam cable-wright from KTL). I would like to see the qualifications and contact details for whoever</p>
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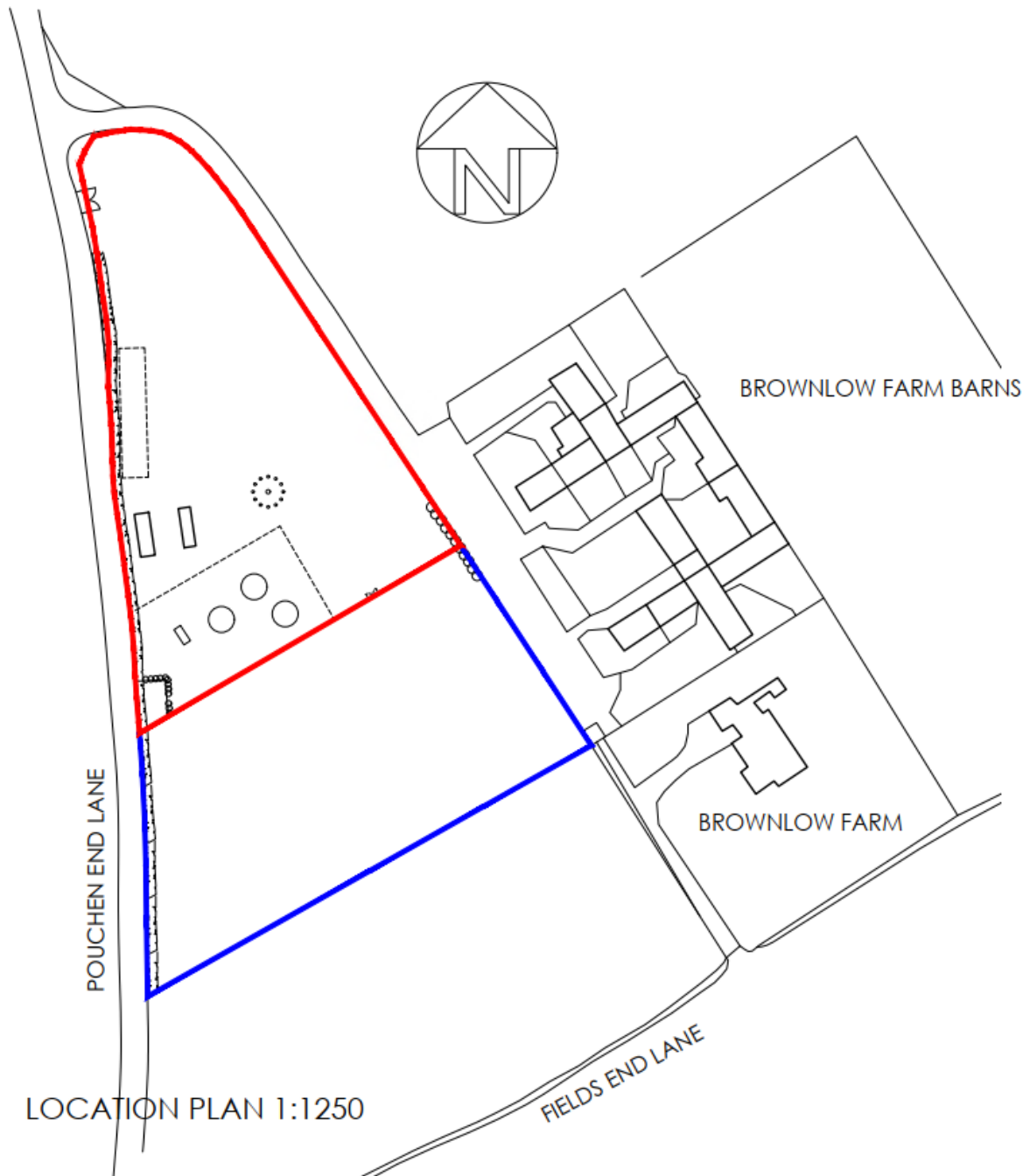
	<p>signs off these installations since they will be accountable! 10 24-01-2020 APPLICATION FORM APPLICATIONFORMREDACTED 1049114 This is the original document that has been reissued and superseded by the following document item 12. 11 15-05-2020 APPLICATION FORM APPLICATIONFORMREDACTED 1079070 The new document has been amended with the correct site area. It still incorrectly states that this is a replacement mast. Item 20 should describe the equipment control panels proposed that requires variable ventilation for temperature control and the transformer hum and how it would be dealt with when only 5.0m away from an openable window. 5G is much bigger and noisier than 4G installations and from measurements taken elsewhere will exceed 70dba. The document is still dated 20-01-2020 but this is an amended document? 12 15-05-2020 DAC012 INDUSTRY SITE SPECIFIC SUPPLEMENTARY INFORMATION_1079063 Document dated 24-01-2020 states that pre- consultation plans and letters were issued on 14-11-2019 by Blue Clarity which included the local Holtsmere school. We work at the school and have reviewed these documents which only show the current mast being replaced, with no reference made to a new site.</p> <p>It implies that because the 2014 development had been accepted that the new proposal should be accepted. This is irrelevant and we point out that we are unaware that there was proper consultation with residents for the 2014 mast. Certainly 1 Elstree Road was not consulted and we are in clear view of this mast page3 states that there is no front facing property. Clearly there are several that will see the mast and equipment with 1 Elstree road having a direct view from a side window 5.0m away. 100s of houses will see the mast looming above 1 Elstree Road. It will have a huge visual impact since it is on the corner of a busy junction. The document has not looked at any other sites such as the Sainsburys shopping centre where other masts have been located elsewhere in the town. 13 15-05-2020 20180905 MOBILE UK COUNCILS AND CONNECTIVITY PDF 1079057 Standard document not relevant to this specific planning application 14 15-05-2020 CONNECTED_GROWTH_MANUAL- 1079055 Standard document not relevant to this specific planning application 15 15-05-2020 CA LB HARM AND PUBLIC BENEFIT 1079053 Document of a 4G mast appeal in Somerset on 02-2018 not relevant to this application. 16 15-05-2020 5G AND FUTURE TECHNOLOGY STREETWORKS 21.06.19- 1079049 Standard document not relevant to this specific planning application 17 15-05-2020 DCMS MHCLG COLLABORATING FOR DIGITAL CONNECTIVITY LETTER 1079046 Standard letter from the department for digital, culture, media and sport dated 7-3-2019 not relevant to this application. 18</p>
34 Sarratt Avenue	The proposed phone mast will be an absolute eye sore for everyone

<p>Hemel Hempstead Hertfordshire HP2 7JF</p>	<p>living locally. 20m is incredibly tall for a low level residential area like Woodhall farm.</p> <p>There are plenty of fields very close to the estate, one of which could be utilised to house the mast rather than in the middle of a residential area.</p> <p>Disgusting that local residents so close were not written to about these plans in a clear attempt to pass this through in an underhand manner.</p>
<p>57 Elstree Road Hemel Hempstead Hertfordshire HP2 7PH</p>	

Item 5d 20/00273/FUL

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

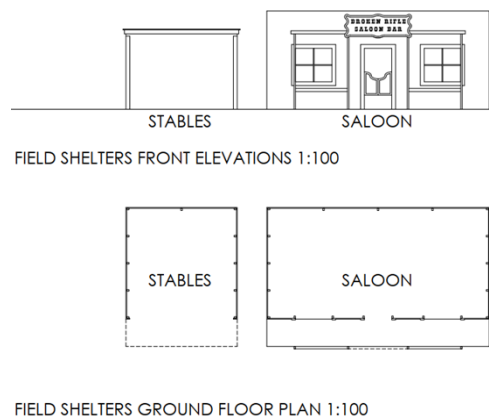
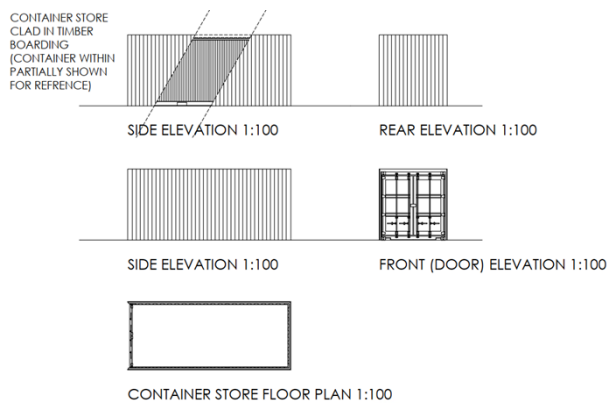
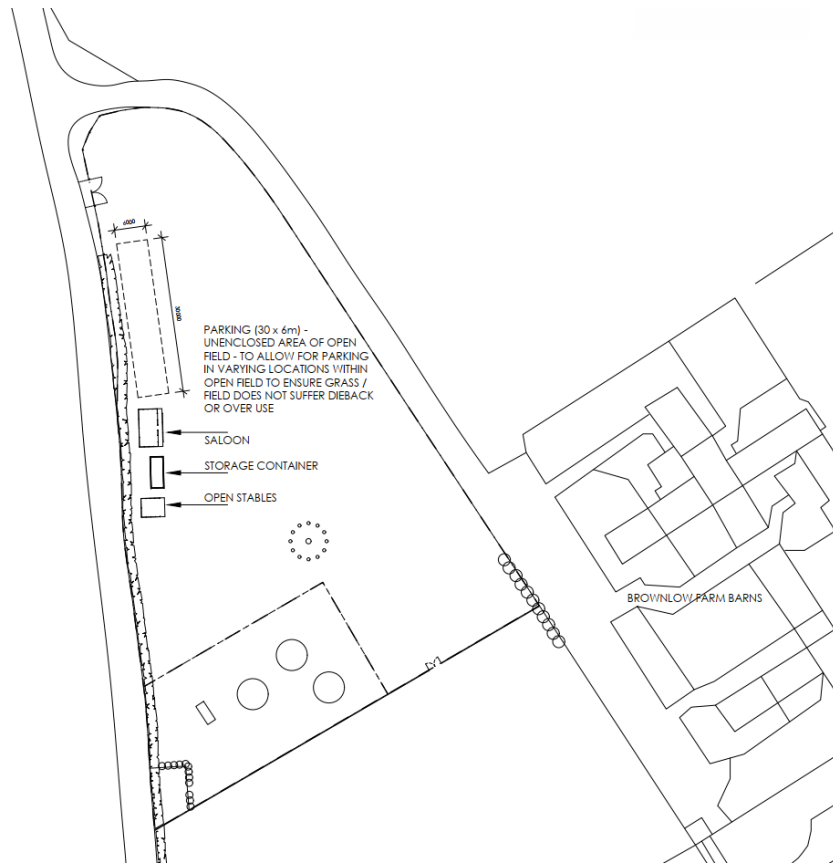
10 Brownlow Farm Barns, Pouchen End Lane, Hemel Hempstead, HP1 2SN



Item 5d 20/00273/FUL

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

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



ITEM NUMBER: 5d

20/00273/FUL	Removal of double-decker bus and archery area and placement of two field shelters and one shipping container on camping and leisure land.	
Site Address:	10 Brownlow Farm Barns, Pouchen End Lane, Hemel Hempstead Hertfordshire, HP1 2SN	
Applicant/Agent:	Mr Nigel Durrant	
Case Officer:	Martin Stickley	
Parish/Ward:		Chaulden and Warners End
Referral to Committee:	The Applicant is a Councillor	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

2.1 The proposals would result in moderate harm to the openness of the Green Belt and would further urbanise the site. However, it is considered that the very special circumstances provide adequate justification for the scheme, as the structures appear necessary to support the existing camping and leisure use.

3. SITE DESCRIPTION

3.1 The application site is situated to the east of Pouchen End Lane and is separated from the road by a mature hedgerow. The site occupies a 2.402 acre field located within the Green Belt. Planning permission was granted in 2017 for the use of the field for camping and leisure activities. There is agricultural land abutting the north and west of the site. To the south is Fields End Farm and the associated residential/agricultural buildings. There are a number of barns to the east that received planning permission to be converted into residential units in 2003. The complex, comprising thirteen dwellings, is a mid-19th century barn group considered to be a non-designated heritage asset.

4. PROPOSAL

4.1 This application seeks planning permission for the placement of two field shelters and one shipping container to support the outdoor recreation use (camping and leisure). The proposals also involve the removal of a double-decker bus and the existing archery area.

5. PLANNING HISTORY

Planning Applications (If Any):

4/02495/17/RET - Change of use from agricultural to camping and leisure (d2) and erection of three tipi (or teepee) tents - *Granted - 23rd November 2017*

4/01120/16/RET - Chimney flue - *Granted - 13th July 2016*

4/00506/16/FUL - Change of use from agricultural to camping and leisure (d2) and erection of three tipi (or teepee) tents - *Granted - 8th July 2016*

4/02846/15/RET - Change of use from agricultural to camping and leisure (d2) - *Withdrawn - 11th November 2015*

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Special Control for Advertisements: Advert Spec Contr
CIL Zone: CIL3
Former Land Use (Risk Zone): Old Chalk Pit, Pouchen End Lane, Hemel Hempstead
Former Land Use (Risk Zone): Infilled Pond, Fields End Lane, Hemel Hempstead
Former Land Use (Risk Zone): Old Chalk Pit, Berkhamsted Road, Hemel Hempstead
Green Belt: Policy: CS5
Parish: Hemel Hempstead Non-Parish
RAF Halton and Chenies Zone: Red (10.7m)
Smoke Control Order

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. 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)

Policies NP1, CS4, CS5, CS11 CS12 and CS27
Saved Policies 58 and 95; saved Appendix 5

9. CONSIDERATIONS

Main Issues

9.1 There are a number of key considerations that relate to this planning application. These are as follows:

The principle of development within the Green Belt;
The quality of design and the visual impact;
The effect on residential amenity; and
Any other material planning considerations.

Principle of Development / Policy Justification

9.2 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

9.3 The main issues to consider in terms of Green Belt policy are therefore: the appropriateness of

the development; effect on the purpose of including land in the Green Belt; effect on the openness of the Green Belt; the impact on the visual amenity of the Green Belt; and if it is considered inappropriate development, are there any very special circumstances to justify its approval?

Appropriateness

9.4 Policy CS5 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.

9.5 CS5 highlights that *“Within the Green Belt, small-scale development will be permitted i.e. buildings for the uses defined as appropriate in national policy.”*

9.6 The National Planning Policy Framework (henceforth referred to as the ‘Framework’) states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include: *“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.”*

9.7 The proposal would provide a number of new structures associated with outdoor recreational activities – a use previously approved by the Council (see 4/02495/17/RET). The development is, therefore, by definition appropriate development as long as it preserves the openness and character of the Green Belt, and does not conflict with the purposes of including land within it.

Openness

9.8 With regards to the effect on openness, this relates to the impact that the physical structures at the application site would have on the sense of visual openness in the Green Belt. The supporting statement highlights that all of the structures are ‘portable’ and therefore not fixed permanently. However, the structures would represent a permanent presence at the site adding to the visual impact of the development as a whole, thereby resulting in harm to the visual appearance and sense of openness at the site.

Purposes of including land in the Green Belt

9.9 It is necessary to consider whether the proposal would result in harm in terms of the five purposes of including land in the Green Belt. Paragraph 134 of the Framework states that the Green Belt serves five purposes:

- 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.

9.10 The proposal would not result in the sprawl of a large built-up area, would not result in two towns merging into one another, would not harm the setting of any adjacent historic towns and would not make urban regeneration any less likely. However, the proposal would increase physical presence – further urbanising the site. The development therefore fails to safeguard the countryside from encroachment.

Summary

9.11 There are exceptions for the provision of facilities in connection with outdoor recreation. However, the proposals would result in harm to the visual sense of openness at the site through the siting of a number of additional structures. The proposal would also contravene the purposes of

including land within the Green Belt. It is therefore concluded that the proposal is inappropriate development.

9.12 Inappropriate development is harmful to the Green Belt and paragraph 144 of the Framework states that it should not be approved except in very special circumstances. As the Redhill Aerodrome judgement (Redhill Aerodrome Ltd [2014] EWCA Civ 1386, Sullivan, Tomlinson, Lewison LJJ) has identified, very special circumstances can outweigh 'any other harm', not just Green Belt harm. The consideration of very special circumstances may be found at the end of this report – when all other planning matters have been considered.

Quality of Design / Visual Impact

9.13 Policy CS1 states that the rural character of the Borough should be conserved. Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 130 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

9.14 The structures are fairly modest in scale but when combined equate to a larger increase in footprint on the site (around 63.7sq.m). It should be noted that one of the structures, originally described as the “sheriff’s office”, was removed from the scheme as part of amendments to the scheme. The remaining buildings have the following measurements.

‘Stables’ – 2.63m (max. height), 3.66m width, 16.3sq.m area

‘Saloon’ – 3.22m (max. height), 7.32m width, 32.7sq.m area

‘Store’ – 2.59m (max. height), 6.09m width, 14.7sq.m area

9.15 These buildings are proposed to be sited along the existing mature hedgerow on Pouchen End Lane. Considering their limited height it is unlikely that they would be overtly visible from the road. The stables and saloon would both be constructed of timber (walls/fenestration) and corrugated iron (roofs). The storage container would be clad with timber. The materials are deemed acceptable considering the sites rural context.

9.16 As highlighted in the Planning Statement and seen on the existing site plan (Drawing 0854/01), an existing archery area (33.5sq.m) and double-decker bus (25sq.m) would be removed as part of the proposals. Whilst the existing archery area has a limited impact on the openness of the Green Belt, the removal of the bus (which far exceeds the height of the proposed structures) would result in a positive impact on openness.

9.17 As previously mentioned, views of the new structures would be somewhat restricted from the public domain. However, by virtue of the introduction of new structures and the further urbanisation of the site, the proposals would contribute to the erosion of the demonstrable physical attributes of the rural area.

9.18 Notwithstanding the above, this harm is tempered by the relatively modest height of the proposals and the removal of the double-decker bus, which is considered to have a more prominent visual impact. The proposals are considered to result in moderate harm to the character of this rural site. The proposed structures are also considered to have a limited impact on the non-designated heritage assets (converted barns) due to the considerable distance between them.

Effect on Residential Amenity

9.19 Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 127 (f) of the Framework is to always seek a high standard of amenity for all existing and future occupiers of land and buildings.

9.20 The nearest neighbouring properties are the converted barns in the Brownlow Farm complex. These buildings are sited over 200m away. Considering this, it is not felt that the proposals would result in significant and demonstrable harm to the living conditions of surrounding residential properties, in terms of overlooking, overbearing, loss of light and noise and disturbance. The proposal therefore complies with identified policy in this regard.

Other Material Planning Considerations

Parking Provision / Highway Safety

9.21 Policy CS12 seeks to ensure developments have sufficient parking provision. Policies CS8 and CS9 seek to ensure developments have no detrimental impacts in terms of highway safety.

9.22 The proposal would not result in an additional vehicular access but would involve moving the existing parking area to the north. No concerns are raised with the internal re-configuration of the parking area. As such, the proposal is considered acceptable on highway safety and parking grounds.

Response to Neighbour Comments

9.23 There have been no neighbour comments received.

10. CONCLUSION

10.1 The proposal has been assessed in terms of its impacts upon; the Green Belt, the character of the area and other relevant material considerations. It has been concluded that the proposal would preserve the living conditions of the occupants of neighbouring units and would not result in unacceptable impacts upon the adjacent highways network.

10.2 Whilst the proposal would support an acceptable use within the Green Belt, the provision of the additional structures would result in harm to the visual sense of openness at the site. The proposal would also further urbanise the site, harming the rural character – adding additional, limited/moderate, weight against the proposal. As such, it represents inappropriate development within the Green Belt. This carries weight against the proposal.

Very special circumstances

10.3 Inappropriate development is by definition harmful to the Green Belt. The Framework, Paragraph 144, states that inappropriate development should not be approved except in very special circumstances. The Local Planning Authority will now proceed to balance this identified harm against the benefits of the proposal.

The need for the structures

10.4 The Applicant has highlighted that all three structures are necessary to support the previously approved use. The justification provided within the Planning Statement is as follows:

“The “saloon” field shelter would be used as a covered area for leisure pursuits, including such things as arts and crafts and the parties. It could further be used by campers when the weather is not suitable for being outdoors.

The “livery shelter” would be left completely open at the front with no interior fittings. The intended use would be for our safe archery and a shelter for our inflatable Nerf shooting range.

The shipping container which would be clad in wood to match the open livery shelter would be for the purpose of storage. This is needed as the...field shelters would not be secure for this purpose. We have many items to store and we will list these below as an example:-

Camping Equipment:

- Tipis x 3
- Tipi poles, pegs and ropes
- Cooking utensils to include crockery, cutlery, glasses etc.
- Picnic benches in winter
- Water heating systems in winter and butane gas bottles
- Wagon wheels in winter
- Barrel seats for campfire and cushions
- Barbecues x 3
- Toilet rolls and cleaning equipment
- Air beds
- Tipi matting
- Ground sheets
- Chuck wagon cover in winter

Leisure Equipment:

- Nerf inflatable shooting range
- Generator
- Numerous arts and crafts material
- Tables and chairs
- Archery equipment
- Nerf accessories
- Campfire cooking utensils and cutlery

This is by no means a definitive or complete list.

Currently, we store our tipi poles in our poly tunnel during the winter, but this has already proven detrimental to them, causing mould.

All our other items are either kept in our garage or a livestock trailer which is open at the back and not waterproof. This is wholly inconvenient due to distance away from the site, items getting damaged and ruined in the trailer and does not allow us to use our garage.

We are proud of the part we play in the local community and the community groups that come to visit us, such as schools, church groups, brownies, rainbows, cubs and the special need groups. We organise many activities for these groups including hands on visits with our animals.”

10.5 The very special circumstances provided appear to offer adequate justification for the moderate harm identified.

Overall planning balance

10.6 The disadvantages of the scheme include the identified harm to the Green Belt – through inappropriate development, harm to the openness and harm in terms of the purposes of including

land within the Green Belt. Cumulatively, this carries weight against the grant of permission. Furthermore, the proposal would result in limited to moderate harm to the character of the area.

10.7 Whilst harm has been identified, it is considered that this is outweighed by the very special circumstances put forward to support the existing outdoor recreation and leisure use. These facilities are considered necessary to ensure the existing use is able to continue to function effectively to support numerous community groups, such as schools, church groups, brownies, rainbows, cubs and the special need groups, that benefit significantly from this use.

10.8 The 'saloon' would provide an area for arts and crafts in connection with the recreational activities. The proposed 'stable' building would replace the existing archery area and provide a safer means of enclosure. The storage unit would ensure that all of the items required to support the use can be securely stored on the site.

10.9 Taking all of this into account together with the improvements to openness in terms of removal of the double decker bus, it is considered, on balance that these special circumstances are adequate in justifying the identified harm to the Green Belt. Therefore, the application is recommended for approval.

11. RECOMMENDATION

11.1 That planning permission be granted subject to the following conditions:

Condition(s) and Reason(s):

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:**

0854/01C
0854/02C

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

Informatives:

1. 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
20	0	0	0	0

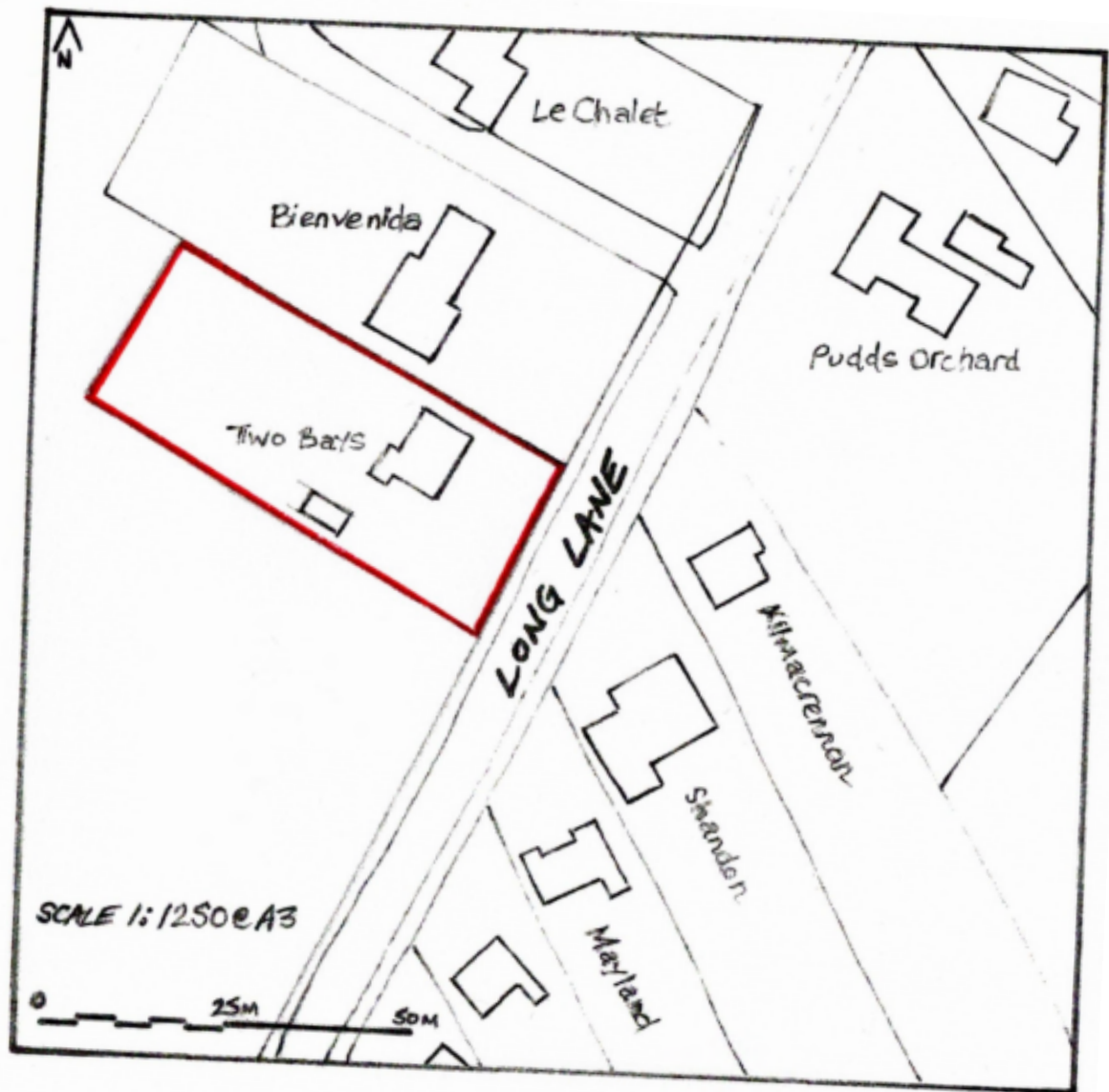
Neighbour Responses

Address	Comments
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Item 5e 20/00419/FUL

Demolition of existing bungalow, retention of existing shed and construction of new dwelling and garage

Two Bays, Long Lane, Bovington, HP3 0NE



Item 5e 20/00419/FUL

Demolition of existing bungalow, retention of existing shed and construction of new dwelling and garage

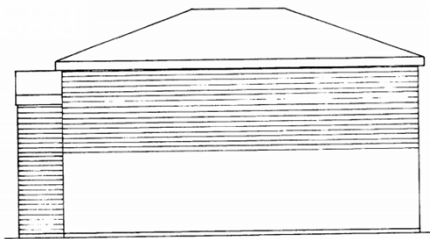
Two Bays, Long Lane, Bovingdon, HP3 0NE



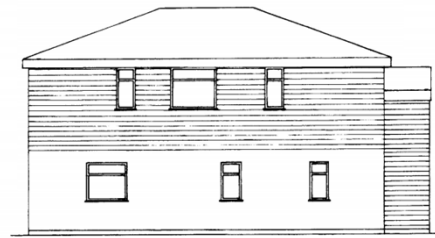
PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION NORTH FACING



PROPOSED SIDE ELEVATION SOUTH FACING

ITEM NUMBER: 5e

20/00419/FUL	DEMOLITION OF THE EXISTING BUNGALOW AND CONSTRUCTION OF A NEW DWELLING AND GARAGE
Site Address	TWO BAYS, LONG LANE, BOVINGDON, HERTFORDSHIRE. HP3 0NE
Applicant/Agent:	Mr James Cosgrave
Case Officer:	Robert Freeman
Referral to committee	The recommendation would be contrary to the views of the Parish Council

1. RECOMMENDATION

1.1 That planning permission be **GRANTED**

2. SUMMARY

2.1 The proposed dwelling would have a less significant impact upon the character and appearance of the Green Belt and would be less harmful to neighbouring property than the extant planning permission for extensions to the property (4/01975/18/FHA) and as such is considered that there are material circumstances which may justify its approval in the context of the National Planning Policy and Policies CS5 and CS12 of the Core Strategy.

3. SITE DESCRIPTION

3.1 The site is located on the western side of Long Lane, Bovingdon and to the south of the 'Bienvenida'. The site extends to 0.5 acres of land upon which there is a small bungalow.

4. PROPOSAL

4.1 The proposals involve the demolition of the existing bungalow and its replacement with a two storey detached dwelling and garage.

5. RELEVANT PLANNING HISTORY

The application for planning permission follows the following successful planning approvals:

4/01975/18/FHA – Construction of side and rear extension to provide 2 storey accommodation and separate garage

This application was granted on the 8th October 2018

4/00513/18/LDP - Single storey side extensions to the left and right of the property, the conversion of existing loft space to habitable room and provision of a rear dormer window.

This application was granted on the 23rd April 2018

4/00454/18/HPA - Single storey rear extension measuring 8 m deep with a maximum height of 4m and a maximum eaves height of 3m

It was concluded that planning permission was not required on the 14th March 2018

4/00269/18/HPA - Single storey rear extension measuring 8m deep with a maximum height of 4m and a maximum eaves height of 3m

It was concluded that planning permission was not required on the 12th March 2018
A number of additional applications to intensify the residential use of the site have been refused. One proposal for two residential units on the site was appealed with the appeal being dismissed by the Inspectorate.

6. PLANNING POLICIES

6.1 National Policy

National Planning Policy Framework (February 2019) (NPPF)
National Planning Policy Guidance (NPPG)

6.2 Dacorum Borough Core Strategy 2006-2031

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

6.3 Saved Policies of the Dacorum Borough Local Plan 1991-2011

Policies 13, 51, 54, 55, 58 and 99.
Appendices 3, 5 and 7

6.4 Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

7. REPRESENTATIONS

Consultation responses

These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

These are reproduced in full at Appendix B.

8. CONSIDERATIONS

Policy and Principle

8.1 The site is located within the Green Belt beyond the boundaries of the village of Bovington. Green Belt planning policy is clearly set out within the National Planning Policy Framework (NPPF) and through Policy CS5 of the Core Strategy.

9.2 The NPPF sets out at paragraph 145 that the construction of new buildings should be regarded as inappropriate development in the Green Belt except in a limited number of circumstances. These circumstances include the replacement or extension of existing buildings providing that the use of the building remains and that additions are either proportionate with the original building or, in the case of replacement, not materially larger than that being replaced. In my view, this would also extend to the construction of outbuildings for purposes incidental to the main dwelling, such as garages, which would otherwise constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended)

9.3 The redevelopment of previously developed land will also be permitted in the Green Belt where there is no significant impact upon the character and appearance of the countryside. This would extend to residential gardens within the countryside as set out in Annex 2 of the NPPF.

9.4 These principles are replicated in Policy CS5 of the Core Strategy.

9.5 It falls for the local planning authority to determine whether the replacement dwelling would provide a building that could be considered similar in scale to the existing dwelling and if not whether there are “very special circumstances” which might otherwise lead one to conclude that planning permission should be granted.

9.6 The existing dwelling on the site comprises the modest bungalow. This building is approximately 82 square metres in size. The proposed dwelling is materially larger than the current property and on this basis, comprises inappropriate development.

9.7 However, planning permission has already been granted extending the ground floor area of approximately 168 square metres with a further useable floor area at first floor level of approximately 118 square metres under reference 4/018975/18/FHA.

9.8 The approval of planning permission 4/01975/18/FHA was granted on the basis of “very special circumstances” which gave weight to a fall-back position of how much the property could be extended utilising permitted development rights.

9.9 These “very special circumstances” were that a series of applications for Lawful development (LDP) and a number of Household Prior Approval (HPA) applications had been granted on this site and set out that an additional 235 square metres of floor space could be added through the addition of large and primarily single storey side and rear extensions and through modest additions to the roof space.

9.10 The majority of the additional floor area in the LDP/HPA consents would result from an increase in the footprint of the building at ground level (185 square metres) and could result in significant sprawl of the building along its frontage with Long Lane and to the rear of the existing property if implemented. In contrast, the extant permission would extend the footprint of the building by a more modest area, would not significantly increase the overall width of the dwelling (3m) and would provide accommodation in the roof space for only a small (1m) increase in the overall height of the property. For these reasons, it was concluded that the impact of development upon the character and appearance of the Green Belt would be at least commensurate, if not an improvement upon the fall-back position established under the LDP/HPA proposals and thus planning permission was granted for the proposals.

9.11 A replacement outbuilding was also granted under this permission and permitted development rights for future outbuildings were removed at this stage. This building was a replacement for a much larger outbuilding to the rear of the original dwelling.

9.12 The current proposals to replace the existing dwelling work within the space parameters set by the approved scheme and would reduce the floor area of the proposals by approximately 45 square metres. There would be no increase in the height of the main property nor the proposed outbuilding and as such no material change in the open character and appearance of the area beyond the extant permission. The main changes to the approved scheme are a reduction in the overall width of the property by 1.85m and an increase in the separation distance to the boundary with "Bienvenida" by 1m.

9.13 Although the depth of the two storey element of the scheme would increase by 1m, this is off-set by the increased separation distance to the site boundary. This is obviously beneficial in terms of addressing any over bearing impact and will also assist in the retention of soft landscaping to the boundary of the site.

Quality of Design / Impact on Visual Amenity

9.14. There are a number of single and two storey residential units extending as a ribbon of development along Long Lane and away from the village of Bovingdon. These properties vary in terms of their style and design, providing some scope for both innovative and traditional approaches to house building in the locality. In this context, the proposed dwelling is considered to be quite restrained resulting in a satisfactory appearance to the development.

9.15 The proposal are appropriate in terms of their design, bulk, scale, height and use of materials and would be acceptable in accordance with Policies CS12 and CS13 of the Core Strategy.

Impact on Residential Amenity

9.16 The proposals are considered to have a negligible impact upon the amenities of the neighbouring property, "Bienvenida", to the north of the site; given the juxtaposition of the properties, the location of main windows to the neighbouring unit and the existence of a dense tree and hedge screen along the boundary between the sites.

9.17 There would be no significant loss in either daylight or sunlight to this property. Although a number of rooms within "Bienvenida" have windows in the flank elevation facing the application site, in many instances there are alternative sources of light to these rooms; be it windows within the front or rear elevation or velux windows in the case of first floor accommodation. In the case of the ground floor windows these are in the shade of the vegetation upon the boundary of the site. A 45 degree angle would not appear to be breached to windows in the rear elevation of the property despite the increase in depth of the dwelling.

9.18 Although the extent of the two storey flank elevation would be increased by around 1m from the extant permission, this increased bulk facing the neighbouring property is not considered unduly harmful or oppressive to "Bienvenida" particularly as the overall depth of the unit is decreased from the extant permission and given an increase in the separation distance between properties.

9.19 No windows are proposed within the flank elevation facing the neighbouring unit and there would be no direct overlooking of the neighbour as a result of the development.

9.20 There would be no significant harm to the residential amenities of this property as may be identified under Policy CS12 and Saved Appendix 7 of the Local Plan 1991-2011.

Impact on Highway Safety and Parking

9.21 The proposed garage is still considered sufficient in width to accommodate vehicles associated with the dwelling and there is sufficient off-street parking within the curtilage of the dwelling such that there should be no objection under Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the Local Plan 1991-2011.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.22 The increased spacing between the proposed dwelling and the boundary should assist in the retention of the existing soft landscaping to this boundary and the screening of the proposals from neighbouring land.

Community Infrastructure Levy (CIL)

9.23 In accordance with Policy CS35 of the Core Strategy all new developments are expected to provide or contribute to the on-site, local and strategic infrastructure necessary to make the development acceptable. The Council adopted a Community Infrastructure Levy in 2015 and the proposals would be liable for a charge. The applicants may qualify for an exemption from payment as self-builders and subject to the completion of relevant information requests.

Conditions

9.24 The Highway Authority has suggested that two conditions are imposed in the interests of highways safety. It is not considered necessary to have measured car parking spaces indicated on the proposed plans given that the site is clearly capable of accommodating such vehicles in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the Local Plan 1991-2011.

9.25 There is no indication that the existing drive is to be surfaced as part of this development nor is it reasonable for such measures to be introduced in relation to the proposals. For this reason, it is considered that the imposition of the second condition suggested by the Highway Authority would not be reasonable or necessary in these circumstances. Furthermore, it would appear to duplicate matters covered under the Highways Act 1980.

10. RECOMMENDATION

10.1 That planning permission be **GRANTED** subject to the conditions set out below:

Condition(s) and Reason(s):

No	Condition
1	<p>The development hereby permitted shall begin before the expiration of three years from the date of this permission.</p> <p><u>Reason:</u> 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</p>
2	<p>The development hereby permitted shall be constructed in accordance with the materials specified on drawing 8 and the application form.</p>

	<u>Reason:</u> 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	<p>No construction of the superstructure shall take place until details of proposed sustainability measures, including sustainable drainage measures, within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.</p> <p><u>Reason:</u> To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning Policy Framework (2019).</p>
4	<p>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:</p> <p>Schedule 2 Part 1 Classes A and E</p> <p><u>Reason:</u> 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).</p>
5	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Drawing numbers 1 to 8</p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p>

APPENDIX A:

Consultee Comments

Consultee	Response
Parish Council	We object to the proposals on the grounds of over development, that the proposals would be out of keeping with the surrounding area and would be over bearing to neighbouring property (Bienvenida)
Hertfordshire Highways	Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

	<p>CONDITIONS</p> <p>1. The proposed parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained thereafter and shall be used for no other purpose.</p> <p>Reason: To ensure that adequate provision for off-street parking is available at all times and to minimise the impact on the safe and efficient operation of the highway.</p> <p>2. Before the premises are occupied all on site vehicular areas shall be surfaced to the Local Planning Authoritys approval. Arrangements should 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: To minimise danger, obstruction and inconvenience to users of the highway.</p> <p>INFORMATIVES</p> <p>1. Obstruction of the public highway - It is an offence unde Section 137 of the Highway Act 1920 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.</p> <p>2. Road Deposits - It is an offence under Section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway. Section 149 of the same act gives the Highway Authority powers</p> <p>3. Storage of Materials - The applicant is advised that the storage of materials associated with the construction of the development should be provided within the site or on land which is not public highway and shall not impede use of the highway. If this is not possible, authorisation should be sought from the Highway Authority</p> <p>CONCLUSIONS</p> <p>Hertfordshire County Council as Highway Authority considers that the proposals would not have a severe residual impact on the safety and operation of the adjoining highway subject to conditions and informatives above.</p>
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APPENDIX B

Neighbour Responses

Address	Comments
Bienvenida Long Lane Bovingdon	I live next door to 'Two Bays' at 'Bienvenida'. I wish to object to this latest proposal, as although the applicant states that it will be no

Hemel Hempstead
Hertfordshire
HP3 0NE

higher than the already granted plans, it will be much higher for a much longer run and much wider from my perspective next door. It is already extremely close to the boundary towards the principal living areas of my home. It will therefore block even more south facing light and cause more overshadowing than the already granted plans.

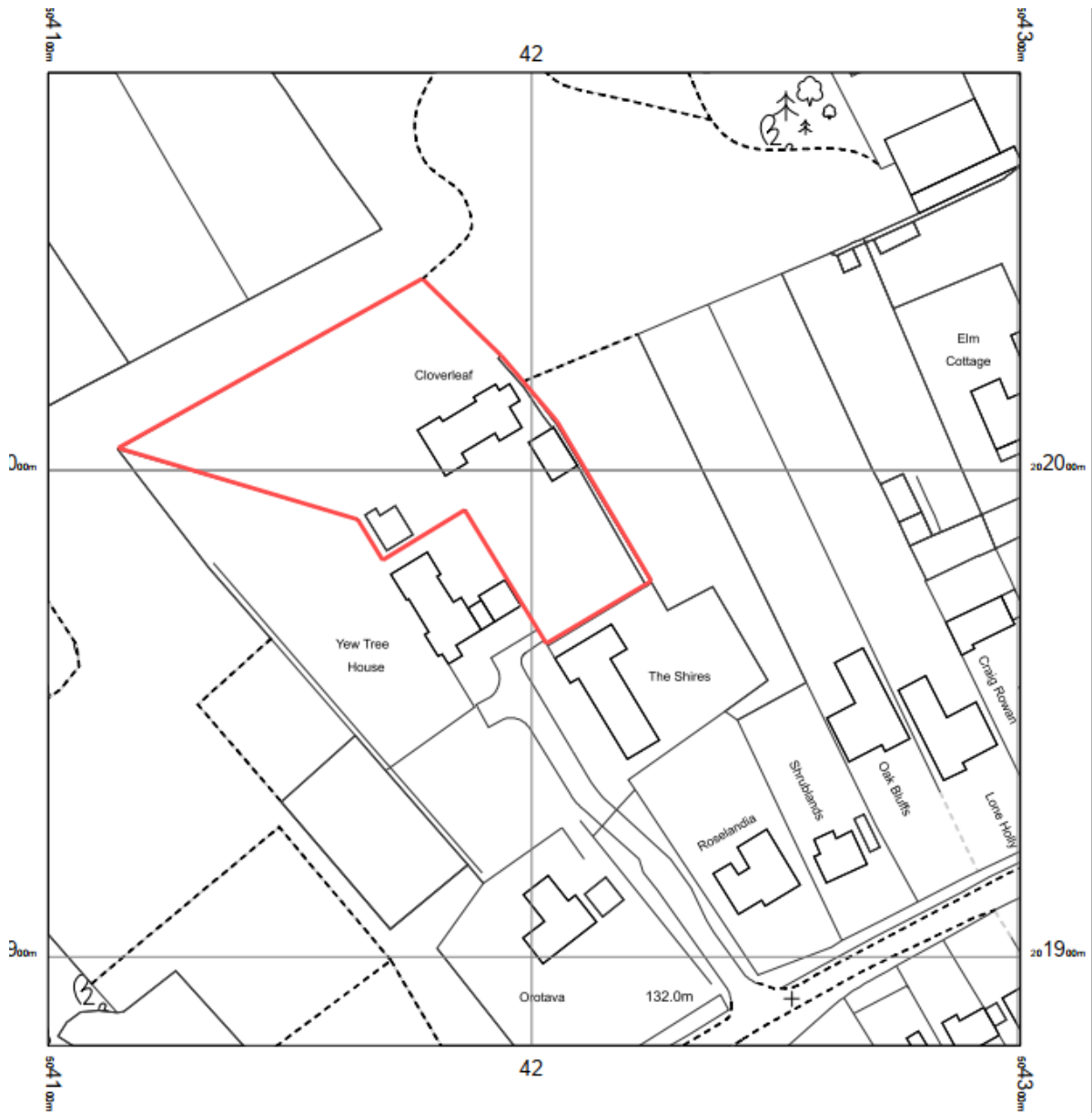
All of the main principal bedrooms and bathrooms upstairs will be even more overlooked as well as a south facing balcony from a main bedroom which is now going to directly face a monolithic brick wall.

This will greatly affect my living amenities, privacy and enjoyment of my property. I therefore strongly object to this latest planning application.

Item 5f 20/00460/FHA

Two storey side extension, single storey rear extension and rear balcony

Cloverleaf, Chapel Croft, Chipperfield, WD4 9DR



Item 5f 20/00460/FHA

Two storey side extension, single storey rear extension and rear balcony

Cloverleaf, Chapel Croft, Chipperfield, WD4 9DR



ITEM NUMBER: 5f

20/00460/FHA	Two Storey Side Extension, Single Storey Rear Extension and Balcony	
Site Address:	Cloverleaf, Chapel Croft, Chipperfield	
Applicant/Agent:	Mr and Mrs Gillespie	
Case Officer:	Robert Freeman	
Parish/Ward:	Chipperfield Parish Council	Bovingdon/Flaunden and Chipperfield
Referral to Committee:	The application is referred to committee in view of the contrary recommendation of the Parish Council.	

1. RECOMMENDATION

That planning permission be **GRANTED**

2. SUMMARY

2.1 The proposals are considered to be small scale additions to the dwelling and would therefore be appropriate in terms of Green Belt planning policy as set out in the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy.

2.2 The proposals has been subject to negotiation resulting in improvements in the overall design and appearance of the scheme. The proposals are now considered to be appropriately designed and would not detract from the character and appearance of the property in accordance with Policy CS12 nor the Chipperfield Conservation Area in accordance with Policy CS27 of the Core Strategy.

2.3 The proposals are not detrimental to the amenities of neighbouring properties in accordance with Policy CS12 and Saved Appendix 7 of the Local Plan 1991-2011.

3. SITE DESCRIPTION

3.1 Cloverleaf is one of three detached dwellings constructed to the rear of properties on the northern side of Chapel Croft, Chipperfield and outside the village boundary of Chipperfield. The site is located adjacent to the boundary of Chipperfield Conservation Area.

4. PROPOSAL

4.1 The proposals involve the construction of a two storeys side extension, a single storey rear extension and the provision of a rear balcony.

4.2 The two storey side extension would be 4m in width with the first floor set back approximately 1.8m from the frontage of the property. This would provide additional habitable accommodation at first floor level only with a series of columns providing a covered terrace beneath.

4.3 The single storey rear extension would measure 4.2m in depth and would be approximately 9.5m in width.

4.4 A small balcony area would be created to the rear of the property upon supporting stone columns.

4.5 The proposals no longer comprise an extension to an existing outbuilding within the garden of the property. This building has been removed from the consideration of this application through amendments to the description of the proposals and through the submission of amended plans.

4.6 Furthermore, the retention of a car-port within the front garden of the property which is currently under consideration has also been removed from consideration of this application and is now subject to a separate application under planning ref: 20/01013/RET.

5 PLANNING HISTORY

5.1 The former Ackwell Simmonds Yard was developed with three detached dwellings, one of which was Cloverleaf following the approval of planning permission 4/00274/03/FUL. This permission removed permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended)

5.2 Planning permission has more recently been granted for a single storey rear extension and the conversion of some loft space under 4/03241/16/FHA. The rear extension extended from the current kitchen to a depth of 4.2m beyond the existing rear wall to the property.

5.3 A concurrent application has been submitted for the retention of a triple car port within the front garden of the dwelling. It was noticed that this did not benefit from planning permission at the time of the officer's site inspection and having considered the planning history of the site. It is understood that this building was erected prior to the current owner purchasing the site in 2015.

6. PLANNING POLICIES

6.1 National Policy

National Planning Policy Framework (February 2019) (NPPF)
National Planning Policy Guidance (NPPG)

6.2 Dacorum Borough Core Strategy 2006-2031

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

6.3 Saved Policies of the Dacorum Borough Local Plan 1991-2011

Policies 13, 51, 54, 55, 58 and 99.
Appendices 3, 5 and 7

6.4 Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

7. REPRESENTATIONS

Consultation responses

These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

There were no comments received from neighbouring parties.

8. CONSIDERATIONS

Principle of Development

8.1 The application site is located within the Green Belt, where in accordance with the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy small scale development will be permitted for a range of appropriate buildings including the limited extension of existing dwellings. Such extensions should not result in disproportionate additions to the original dwelling on the site.

8.2 The dwellings were constructed following the approval of planning permission 4/00274/03/FUL and as a replacement for two large industrial units on the site. Cloverleaf has not been lawfully extended since its construction and the proposed extensions must be considered to be small scale in the context of the house and the Town and Country Planning (General Permitted Development) (England) Order 1995 (As amended)

Quality of Design / Impact on Visual Amenity

8.3 The proposed extensions are now considered to be appropriate in terms of their design, bulk, scale and appearance and having been amended in accordance with the advice of the Conservation and Design team. As such, the extensions are not considered to result in significant or demonstrable harm to the character and appearance of the property in accordance with Policy CS12 of the Core Strategy.

8.4 The site is located beyond the core of the Chipperfield Conservation Area and does not affect longer or strategic views of the Conservation Area. The buildings, comprising Cloverleaf, are not in themselves of historic significance nor are they of particular architectural significance. The proposals are not considered to be detrimental to the character and appearance of the Chipperfield Conservation Area nor heritage assets in accordance with Policy CS27 of the Core Strategy.

Impact on Residential Amenity

8.5 The proposed extensions to the property are not considered to result in any significant harm to the residential amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 7 of the Local Plan 1991-2011. The nearest residential unit is Yew Tree House to the south of the site. The two storey side extension is not considered to result in any significant loss of daylight or sunlight to this property given its juxtaposition nor is it considered to result in any overlooking of the main rooms and garden thereto.

Impact on Highway Safety and Parking

8.6 Any intensification in the use of the property as a result of its extension is unlikely to give rise to any concerns with regards to access and parking arrangements. The property is accessed by a private road and beyond this there are a large number of garages and off-street parking spaces within the individual residential curtilages. Such arrangements for access and parking are considered

to be fully in accordance with Policy CS8 and CS12 from the Core Strategy and Saved Appendix 5 of the Local Plan 1991-2011.

Other Material Planning Considerations

8.7 The proposals do not appear to raise any other significant planning issues

Response to Neighbour Comments

8.8 No adverse comments have been received from neighbouring units.

9 RECOMMENDATION

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

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 constructed in accordance with the materials specified on the approved plans and application form

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:

NAJ 004 F 2020 (Elevations - Scheme C)

NAJ 004 F (Ground Floor Plan)

NAJ 004 G (First Floor Plan)

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Chipperfield Parish Council	The Parish Council objects to the proposals on the grounds that the development is excessive in scale and bulk
Environmental Health	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.0

Conservation Officer	<p>This is a great improvement to the original submission with the change to the gable, removal of the dormer and chimney alterations. The side extension now sits much more comfortably with the main house/other flank extension.</p> <p>I would therefore confirm the scheme is acceptable from a design perspective.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

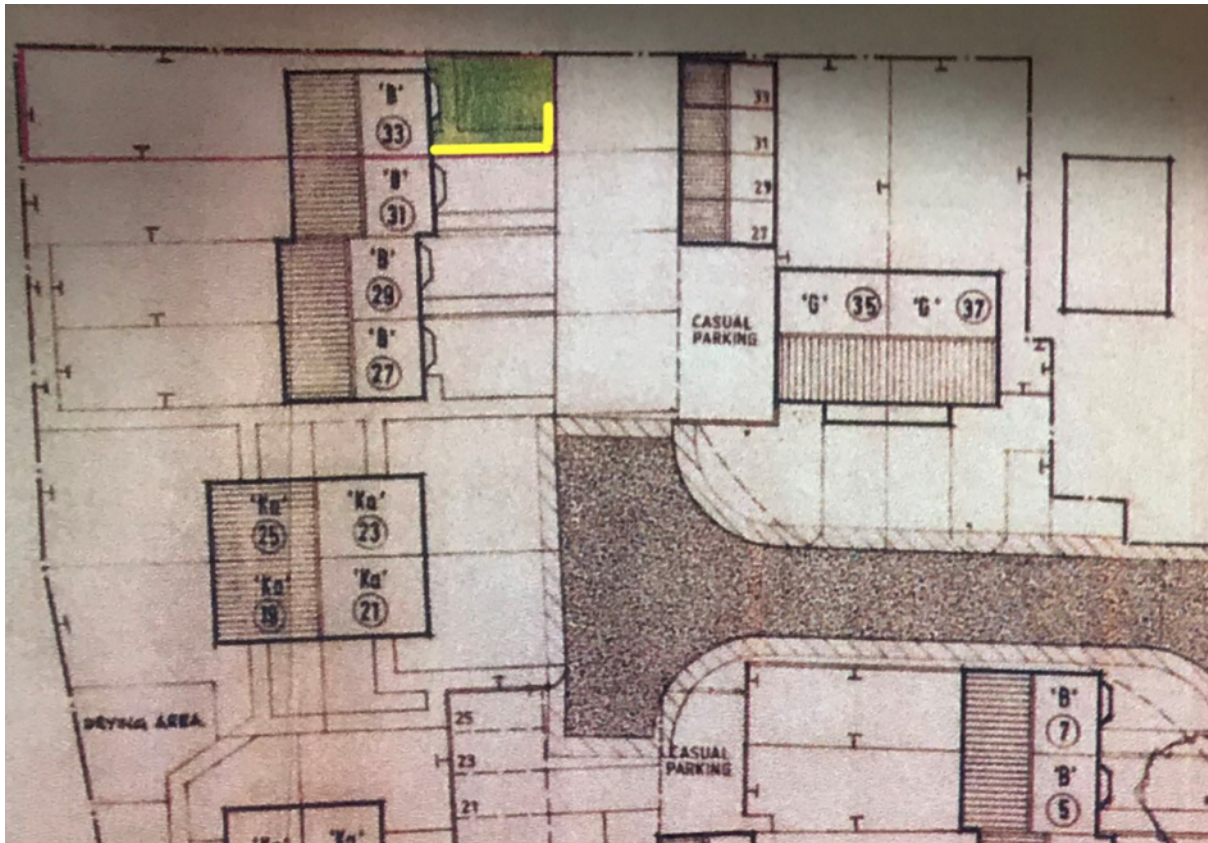
Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
0	0	0	0	0

Item 5g 20/00566/RET

Retention of timber enclosure/fencing.

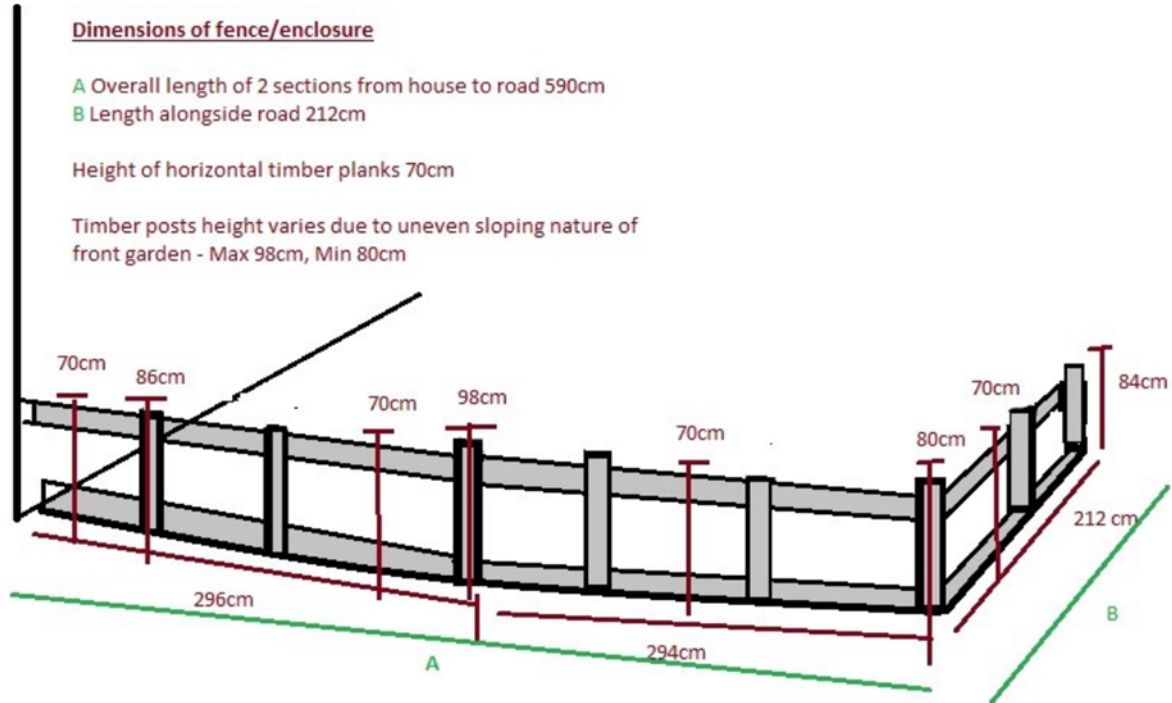
33 Bulbourne Court, Tring, HP23 4TP



Item 5g 20/00566/RET

Retention of timber enclosure/fencing.

33 Bulbourne Court, Tring, HP23 4TP



ITEM NUMBER: 5g

20/00566/RET	Retention of timber enclosure/fencing.	
Site Address:	33 Bulbourne Court Tring Hertfordshire HP23 4TP	
Applicant/Agent:	Update Record	
Case Officer:	Heather Edey	
Parish/Ward:	Tring Town Council	Tring Central
Referral to Committee:	Recommendation is contrary to the view of Tring Town Council	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

2.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).

2.2 Though concerns have been raised that the existing fencing is of poor design and out of keeping with the open plan layout of neighbouring properties along Bulbourne Court, the development proposed under the current application is not considered to appear incongruous within the cul-de-sac, given that numerous properties within the immediate area comprise closed, defined front boundary treatment, (i.e. 1 Bulbourne Court, 37-39 Bulbourne Court and 21 Bulbourne Court). Furthermore, given the modest scale, height and timber finish of the existing fencing, the development proposed for retention under the current application is considered to satisfactorily assimilate into the landscape of Bulbourne Court, and wider AONB.

2.3 Furthermore, given the scale, positioning and nature of the development, it is not considered that the existing fencing has any adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy.

2.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS11, CS12 and CS24 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004), the TCA13: New Mill West Character Area Appraisal (2004) and the relevant sections of the NPPF (2019).

3. SITE DESCRIPTION

3.1 The application site comprises a two storey end of terrace dwellinghouse, situated on Bulbourne Court within a designated residential area of Tring. The site falls within the Chilterns Area of Outstanding Natural Beauty and the TCA13: New Mill West Character Appraisal Area and just outside of designated Metropolitan Green Belt land.

3.2 Bulbourne Court forms a small cul-de-sac, consisting of properties that are relatively regimented with regards to architectural detailing, separation gap, height, size and build line. Though the area has a verdant aspect, emphasised by the planned landscaping and front rectangular garden plots, it is noted that there are numerous examples of neighbouring properties within the immediate area that comprise closed, defined front boundaries.

4. PROPOSAL

4.1 Retrospective planning permission is sought for the retention of the existing fencing, positioned to the front of the main house. Constructed from timber posts and timber gravel board planks, the fencing projects approximately 5.9m deep from the front elevation, and 2.1m to the side, partially

enclosing the front garden. Though the existing fencing follows the boundary of the front garden, which is noted to be uneven, sloping downwards, the existing fencing is modest in height, measuring 1m at its highest point.

5. PLANNING HISTORY

None

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Special Control for Advertisements: Advert Spec Contr
Area of Outstanding Natural Beauty: CAONB outside Dacorum
British Waterways (25m Buffer): WA (E): 25m buffer
British Waterways (25m Buffer): WA (W): 25m buffer
Canal Buffer Zone: Minor
CIL Zone: CIL2
Former Land Use (Risk Zone): Sewage Farm, Tring Ford Road, Tring
Former Land Use (Risk Zone): Sewage Works, Tring Ford Road, Tring Wharf
Former Land Use (Risk Zone): Former Lime Kiln, Gamnel, Tring
Green Belt: Policy: CS5
Parish: Tring CP
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
RAF Halton and Chenies Zone: Green (15.2m)
Residential Area (Town/Village): Residential Area in Town Village (Tring)
Town: Tring

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. 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:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 – The Chilterns Area of Outstanding Natural Beauty
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)

Planning Obligations (2011)

Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

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; and
The impact on residential amenity.

Principle of Development

9.2 The site is situated within the residential area of Tring, wherein Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013) are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) guides new development to towns and large villages, noting that new development is acceptable in these areas provided it causes no damage to the existing character of the surrounding area and is compatible with policies protecting and enhancing the Chilterns Area of Outstanding Natural Beauty. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) states appropriate residential development is encouraged in residential areas.

9.3 The site also falls within the Chilterns Area of Outstanding Natural Beauty (AONB), wherein Policy CS24 of the Dacorum Borough Core Strategy (2013) notes that new development should conserve the special qualities of the AONB and should not detract from its skyline.

9.4 In light of the above policies, the proposal for the retention of existing fencing within the residential area of Tring is acceptable in principle, provided that it does not detract from the character and appearance of the surrounding area or wider AONB. The proposals' impact on the surrounding area and wider AONB has been considered in more detail in the section below.

Quality of Design / Impact on Visual Amenity

9.5 The NPPF (2019), Saved Appendix 7 of the Local Plan (2004), Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.

9.6 The site falls within the Chilterns Area of Outstanding Natural Beauty wherein new development is expected to conserve the special qualities of the AONB and should not detract from its skyline. Furthermore, the site also falls within the TCA13: New Mill West Character Area Appraisal whereby means of enclosure are strongly discouraged. This policy does however go on to note that *'proposals for the enclosure of front areas or walls over 1m in height will not normally be permitted.'*

9.7 The application seeks retrospective planning permission for the retention of the existing fencing, positioned to the front of the main house. Constructed from timber posts and timber gravel board planks, the fencing projects approximately 5.9m deep from the front elevation, and 2.1m to the side, partially enclosing the front garden. Though following the boundary of the front garden,

which is noted to be uneven, sloping downwards, the existing fencing is modest in height, measuring 1m at its highest point.

9.8 The existing fencing is visible within the streetscene, by virtue of its positioning. Though the Town Council and local residents have raised concerns that the fencing conflicts with the open plan layout of Bulbourne Court, it is not considered that the existing development appears incongruous within the cul-de-sac, given that numerous properties within the immediate area comprise closed, defined front boundary treatment considered to be more dominant and bulky than that proposed under the current application.

9.9 For example, upon entering Bulbourne Court, the 1m high front boundary brick wall of 1 Bulbourne Court is visible. In addition to this, it is noted that high trees and shrubs measuring between 1-4m high front properties 37 and 39 Bulbourne Court, and that planning permission was granted under application 4/03002/15/RET for the retention of timber picket fencing at 21 Bulbourne Court, measuring 1.2m high and comprising a trellis section that measures 1.8m high.

9.10 Whilst it is noted that the TCA13: New Mill West Character Area Appraisal aims to strongly discourage means of front enclosure, the examples of front enclosure referenced above demonstrate that a precedence has been set for this form of development along Bulbourne Court. In light of this, and taking into account the modest scale and material finish of the existing fencing in relation to the above examples, it is considered that the existing fencing satisfactorily assimilates into the landscape of Bulbourne Court, and does not detract from the special qualities of the AONB or its skyline.

9.11 Although it is noted that permitted development rights have been removed from properties along Bulbourne Court, permitted development rights set out under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, enable householders to install a 1m high fence fronting the highway without requiring formal planning consent. Given that the existing fencing proposed for retention under the current application would accord with this height guidance, it can reasonably be considered a subordinate addition to the main house, causing nominal harm to the openness and outlook of the surrounding area.

9.12 Given the above assessment, the proposal is considered to be acceptable in design terms, noting that the existing fencing is not considered to detract from the character and appearance of the existing dwelling, streetscene or wider AONB. As such, the proposal accords with Policies CS11, CS12 and CS24 of the Dacorum Borough Core Strategy (2013), Saved Appendix 7 of the Local Plan (2004), the TCA13: New Mill West Character Area Appraisal and the relevant sections of the NPPF (2019).

Impact on Residential Amenity

9.13 The NPPF (2019) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.14 Given the nature, positioning and scale of the proposal, it is not considered that the existing fencing has any adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy to neighbouring properties. As such, the proposal accords with Policy CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the relevant sections of the NPPF (2019).

Response to Neighbour Comments

9.15 Seven objections have been received in relation to the proposal, with local residents raising concerns that the existing fencing is out of keeping with the open plan layout of neighbouring properties along Bulbourne Court and is of poor design. Additional concerns have also been raised that the granting of formal planning permission for the current application would establish a precedence for enabling the installation of additional front boundary fencing within the immediate area.

9.16 These concerns have been considered and addressed during an earlier section of the report.

Community Infrastructure Levy (CIL)

9.17 Policy CS35 of the Core Strategy (2013) requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1st July 2015. The application is not CIL liable.

10. CONCLUSION

10.1 The application is recommended for approval.

10.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). Though concerns have been raised that the existing fencing is of poor design and out of keeping with the open plan layout of neighbouring properties along Bulbourne Court, the development proposed under the current application is not considered to appear incongruous within the cul-de-sac, given that numerous properties within the immediate area comprise closed, defined front boundary treatment, (i.e. 1 Bulbourne Court, 37-39 Bulbourne Court and 21 Bulbourne Court). Furthermore, given the modest scale, height and timber finish of the existing fencing, the development proposed for retention under the current application is considered to satisfactorily assimilate into the landscape of Bulbourne Court, and wider AONB.

10.3 Furthermore, given the scale, positioning and nature of the development, it is not considered that the existing fencing has any adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS11, CS12 and CS24 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004), the TCA13: New Mill West Character Area Appraisal (2004) and the relevant sections of the NPPF (2019).

11. RECOMMENDATION

11.1 That planning permission be granted subject to the following conditions:

Condition(s) and Reason(s):

- 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:**

**Site Location Plan
Proposed Plan - Dimensions of Fence/Enclosure**

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Canal & River Trust	No comment.
Tring Town Council	Tring Town Council recommends refusal of this application. The erected fence is completely out-of-keeping with the clear frontage along the terrace. The merit of such clear lines is reflected by the fact that when developed the terrace was made subject to a covenant prohibiting enclosure.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
2	8	1	7	0

Neighbour Responses

Address	Comments
37 Bulbourne Court Tring Hertfordshire HP23 4TP	<p>I wish to object to the retention of the enclosure/fence at 33 Bulbourne Court.</p> <p>I objected to the fence at 21 Bulbourne Court as I was concerned that if this fence was permitted, it would lead to other properties following suit and enclosing their gardens in whatever method they wished.</p> <p>Hey presto...this is what is happening. This fence at 33 is both badly designed and conflicting to the original design of the close which was open plan gardens providing a pleasant, safe and neighbourly environment.</p>

	<p>The rustic ranch style of the fence is a total contradiction to the design of the close. It is more in keeping for the enclosure to a pasture not the garden to a mid 1980s end of terrace house.</p> <p>While I still object to the enclosure of gardens at Bulbourne Court I do consider that permission that was granted for number 21. I feel that in this case, the applicant should at least have considered replicating the design of the picket fence at number 21 rather than erecting something that is unsightly and rather shoddy.</p>
	<p>Whilst the fence is modest, I do think this is unacceptable. If accepted then as a principal I believe every house on that row could erect similar fences. This could ruin the appearance of the cul-de-sac. Further my understanding is that precisely this concern was raised when the development was originally conceived, supporting my view that the proposal is out of keeping.</p>
<p>29 Bulbourne Court Tring Hertfordshire HP23 4TP</p>	<p>One of the reasons for buying my house were the pretty open front gardens. Shortly after moving in I asked my neighbours if I could make my garden blend with theirs. Grey slate and shrubs. The 3 gardens looked lovely.</p> <p>However recently a new neighbour has erected a dreadful ramshackle fence which ruins my outlook from my lounge.</p> <p>I did not think this was allowed. HM Land Registry Conveyance Stevenage. District Land registry August 7th 1984 states no wall, fence, gate or hedge screen is allowed between properties.</p> <p>This dreadful erection went up without any consideration for or consultation with the neighbours.</p> <p>There is 1 fenced off garden for a dog owner without a back garden. This seems reasonable.</p> <p>Not very good with technology so hope you get this?</p>
<p>27 Bulbourne Court, Tring, Herts, HP23 4TP</p>	<p>For a front garden, I feel that it looks like a stock fence, than a small garden fence at the front of our small houses. Most of the houses in Bulbourne Court have no fence at the front, and if they do it is of smaller and lighter construction.</p>
<p>35 Bulbourne Court Tring Hertfordshire HP23 4TP</p>	<p>I would like to make the following remarks re the above as I do not agree with its erection.</p> <ul style="list-style-type: none"> - it is not in keeping with the area as should be open plan. - it serves no purpose - it is very unattractive and does not enhance the neighbourhood
<p>31 Bulbourne Court Tring Hertfordshire HP23 4TP</p>	<p>I would like you to take the issues below into account in deciding this application</p> <p>HM Land Registry Conveyance issued by the Stevenage District Land Registry August 7th 1984</p> <p>No gate wall fence hedge screen rockery or other erection or structure or means of enclosure of any kind shall be erected or planted or put on the area coloured greenwhich shall forever hereafter remain "OPEN PLAN"</p>

	<p>The Design of this structure is not in keeping with the gardens of Bulbourne court. It would be better suited to a farm as cattle coral.</p> <p>The materials used are rough and untreated , splintery wood and it gives the appearance of a very crude piece of work.</p> <p>The 'fence' was erected without any discussion or thought for the neighbours - many have lived here happily for a long time. This was a complete unpleasant shock.</p> <p>There is absolutely no reason to have this enclosure it serves only to detract from the vista which is to fields and trees and open countryside.</p> <p>(We did have one fence in the court passed at planning in 2015. The owner of the property (21 Bulbourne) as a professional dog minder and it seemed better to have the dogs contained rather than wandering in the court generally. Neighbours generally agreed to this but this should not have set a precedent for further fences.)</p> <p>I look forward to meeting with you nearer to the time and than you for your interest in my concerns.</p>
<p>The Chilterns Conservation Board The Lodge Station Road Chinnor OX39 4HA</p>	<p>24th March 2020 Dacorum Borough Council By portal upload only to Dacorum Borough Council My ref:Applications DBC reference: 20/00566/RET 33 Bulbourne Court Tring Herts for domestic extension and works Thank you for consulting the Chilterns Conservation Board (CCB). I am writing to let you know that the Chilterns Conservation Board will not be commenting on the planning application. The Board recommends that the decision-maker takes into account the following: - The Chilterns AONB Management Plan (http://www.chilternsaonb.org/conservation-board/management-plan.html), which deals with the special qualities of the Chilterns and the development chapter notes that 'the attractiveness of the Chilterns' landscape is due to its natural, built and cultural environment. It is not a wilderness but countryside adorned by villages, hamlets and scattered buildings'. A new Management Plan was approved in February 2019 and some key policies from the Development chapter are set out below, which we hope will be of assistance. - The Chilterns Buildings Design Guide and Supplementary Technical Notes on Chilterns Building Materials (Flint, Brick and Roofing Materials) (of the Chilterns AONB http://www.chilternsaonb.org/conservation-board/planning-development/buildings-design-guidance.html) The new Chilterns AONB Management Plan 2019-2024 was adopted in February 2019 and may be a material consideration when assessing planning applications (as set out in Government's PPG para 040 on the Natural Environment). The planning objectives in the Management Plan are DO1 Ensure planning decisions put the conservation and enhancement of the AONB first.</p>

	<p>DO2 Ensure that where development happens, it leaves the AONB better than it was before - richer in wildlife, quieter, darker at night, designed to have a low impact on the environment, and beautiful to look at and enjoy.</p> <p>2</p> <p>DO3 Embrace opportunities to restore natural beauty on sites currently degraded by unsympathetic development, infrastructure or dereliction. A number of detailed Chilterns AONB Management Plan policies deal with key principles that may apply to Development proposals.</p> <p>DP1 Ensure planning decisions take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection in the NPPF.</p> <p>DP2 Reject development in the AONB unless it meets the following criteria:</p> <ul style="list-style-type: none"> a. it is a use appropriate to its location, b. it is appropriate to local landscape character, c. it supports local distinctiveness, d. it respects heritage and historic landscapes, e. it enhances natural beauty, f. ecological and environmental impacts are acceptable, g. there are no detrimental impacts on chalk streams, h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and i. there are no negative cumulative effects, including when considered with other plans and proposals. <p>DP7 Only support development that is of the highest standards of design that respects the natural beauty of the Chilterns, the traditional character of Chilterns vernacular buildings, and reinforces a sense of place and local distinctiveness. Require a Design and Access Statement to accompany every application, explaining how it complies with the Chilterns Buildings Design Guide www.chilternsaonb.org/conservationboard/planningdevelopment/buildings-design-guidance</p> <p>DP8 Keep skies dark at night by only using light where and when needed. All new lighting should be the minimum required and meet or exceed guidance for intrinsically dark zones. Avoid architectural designs that spill light out of large areas of glazing.</p> <p>The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB (Section 85 of CroW Act).</p>
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	<p>The Chilterns Conservation Board is a body that represents the interests of all those people that live in and enjoy the Chilterns AONB. Should you require any further information please do not hesitate to contact me.</p>
<p>7 Bulbourne Court, Tring, Hertfordshire HP23 4TP</p>	<p>Fencing in of properties seems to have become a norm on the Court. Unfortunately the original planning for the Court was for open gardens, the idea to improve the limited space within the development and make it seem larger than it actually is. Fencing in of individual properties has had the opposite effect and indeed anyone who has fenced their property border alongside the road line has in fact totally removed the ability for pedestrians to take evasive action should a car drive to close to them whilst passing that property. Obviously the current owner wishes to enclose the whole of the property, which to be frank has been carried out in a shoddy fashion, I could probably do better job using timber pallets!</p>

Item 5h 20/00524/FHA

Ground floor rear and side infill extension, floor plan redesign and all associated works.

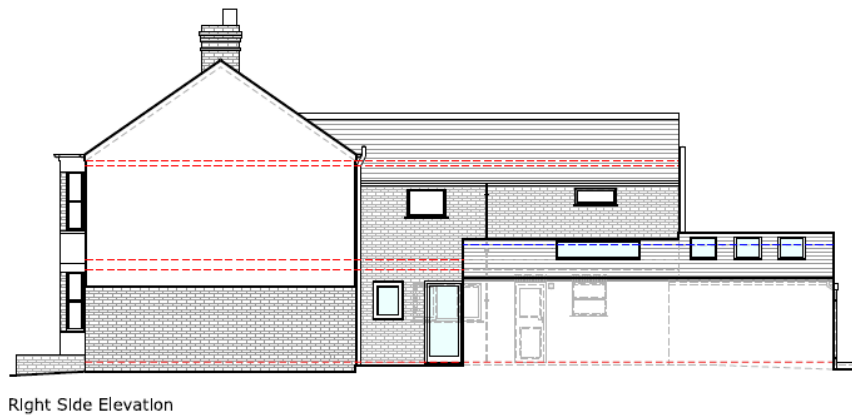
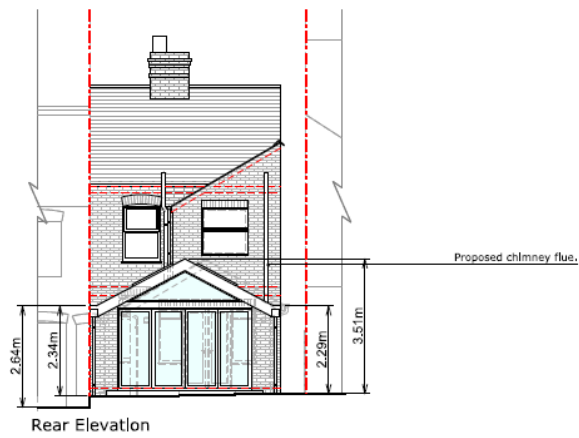
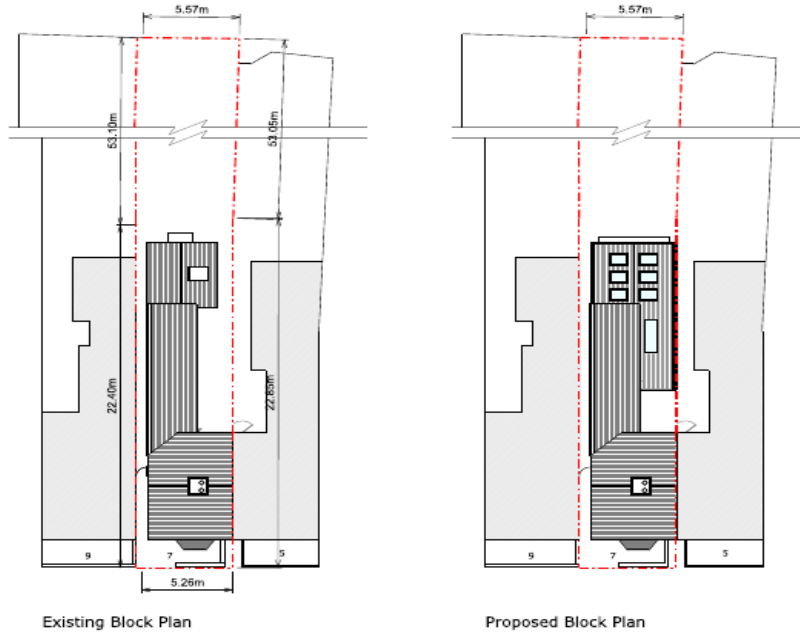
7 Queens Road, Berkhamsted, HP4 3HU



Item 5h 20/00524/FHA

Ground floor rear and side infill extension, floor plan redesign and all associated works.

7 Queens Road, Berkhamsted, HP4 3HU



ITEM NUMBER: 5h

20/00524/FHA	Proposed ground floor rear and side infill extension, floor plan redesign and all associated works.	
Site Address:	7 Queens Road Berkhamsted Hertfordshire HP4 3HU	
Applicant/Agent:	Mr Ochoa	
Case Officer:	Colin Lecart	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	Objection received from Berkhamsted Town Council	

1. RECOMMENDATION

1.1 That planning permission be Granted.

2. SUMMARY

2.1 The proposed extension would not be visible from the street scene and so it would not have a detrimental impact on the character of the surrounding area. As a result of the positioning of the extension and the orientation of the site, the proposal would not have a detrimental impact upon the light received by number 5 beyond the existing situation caused by the original build lines of number 7. In terms of outlook, the eaves height of the extension would be a minor increase upon the existing boundary fence, with the pitched roof above this sloping away from the boundary with number 5. It is considered number 5 would not suffer from a considerable sense of enclosure above the existing situation. The effects on light and outlook have been demonstrated by a sunlight/outlook assessment that has been submitted in support of the application.

3. SITE DESCRIPTION

3.1 The application site comprises a two storey terraced property located along Queens Road, Berkhamsted. Queens Road is a residential road, typically comprising terraced dwellings and it is outside the Berkhamsted Conservation Area.

4. PROPOSAL

4.1 The application seeks permission for the construction of a proposed ground floor rear and side infill extension, floor plan redesign and all associated works.

5. PLANNING HISTORY

Planning Applications (If Any):

20/00523/LDP - Proposed loft conversion with L shape dormer, floor plan redesign and all associated works.

GRA - 24th April 2020

4/02291/06/FHA - Single storey rear extension

GRA - 1st December 2006

Appeals (If Any):

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 2

Area of Archaeological Significance: 21

CIL Zone: CIL1

Former Land Use (Risk Zone): Garage, High Street, Berkhamsted

Former Land Use (Risk Zone): Former Smithy, Queens Road, Berkhamsted

Former Land Use (Risk Zone): Former Warehouse, Belton Road, Berkhamsted

Former Land Use (Risk Zone): Former Diesel Tank, Queens Road, Berkhamsted

Former Land Use (Risk Zone): Former Saw Mill/Timber Yard, Stag Lane, Berkhamsted

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

RAF Halton and Chenies Zone: Yellow (45.7m)

Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)

EA Source Protection Zone: 2

EA Source Protection Zone: 3

Town: Berkhamsted

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. 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:

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

Saved Appendix 3 – Layout and Design of Residential Areas

Saved Appendix 5 – Car Parking Provision

Saved Appendix 7 – Small-scale House Extensions

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; and

The impact on highway safety and car parking.

Principle of Development

9.2 The application site is located within an established residential area of Berkhamsted wherein accordance with Policy CS4 of the Core Strategy (2013) the principle of residential extension is acceptable.

Impact on Surrounding Area

9.3 The proposal is for a ground floor infill extension to the rear and side of an existing outrigger on the property. The works would be located towards the rear of the site and not be visible from the surrounding area.

Impact on Residential Amenity

9.4 The extension would extend to the boundary with number 5 and so this would be the property most effected by the works. A number of windows on number 5 would face onto the extension; a rear window on the main property (not on the outrigger) which serves a lounge area, a side facing kitchen window, and another side facing window that serves the rearmost lounge which is served by another rear facing window.

9.5 It is considered that due to the orientation of the site and the single storey nature of the extension that the proposal would not have a significant impact on light received by number 5 above the existing two storey property of the site. The proposal also maintains room for a light well along part of the boundary.

9.6 A sunlight study has been submitted to show the potential impact on sunlight to number 5. It should be noted that the study mainly focuses on late afternoon sunlight as due to the orientation of the site, this is when sunlight is most likely to be impacted on. This study shows there is no impact on sunlight during the winter. Spring and autumn show a small increase in shade but this only appears on the brick wall of the outrigger of number 5 and does not interfere with any windows beyond the existing situation. In summer, there is a marginal increase in shade cast on the wall of number 5 and the kitchen window but it should be noted that the area effected would be the lower part of the window which would still receive full sunlight at 12pm during the summer solstice.

9.7 In terms of outlook, number 5 is based on a slightly lower ground level than number 7. As such, the extension when viewed from number 5 would appear to be 2.34m in height to the eaves, with the pitched roof above this sloping away from the boundary. The height of the existing boundary fencing is staggered, being approximately 2m in height where the windows of number 5 would face onto the extension, dropping to approximately 1.8m further along the rear gardens.

9.8 Therefore, the extension would represent an increase of 0.34m to the eaves above the existing fence height. The pitched roof would have a minimal impact above this as it would slope away from the boundary and this has been represented in a 3D modelling analysis submitted by the agent. At its highest point of 3.51m, the ridge of the pitched roof would be 2.5m away from the boundary

9.9 In addition to the above, the rear window on the main property of number 5 serves a room which is dual aspect (also served by a window to the front of the property). The side facing lounge window on the rear extension is also a secondary window, with the room being served by the rear window as well. The kitchen window faces onto existing trellis and hedging which would be maintained by the light well left between the properties by the proposal.

9.10 The proposed extension would not extend beyond the existing rear extension of number 7. It would be drawn to the boundary but not breach a 45 degree line when drawn from the centre of the rear window of number 5's rear extension.

9.11 As a result, it is considered the proposal would not have a significant impact on number 5 in terms of light and outlook.

Impact on Highway Safety and Parking

9.5 The property does not currently maintain any private parking provision. However, the proposal would not introduce a new bedroom into the property and so no increased pressure on the existing on street parking would occur as a result of the application.

10. CONCLUSION

10.1 The extension would not be visible from the surrounding area. In terms of light, the extension would not have a significant impact on number 5 above the existing situation. This has been shown by a sun study submitted by the agent. In terms of outlook, the eaves height of the extension would represent an increase of 0.34m above the existing 2m portion of the fence line which the fenestrations of number 5 look onto. The pitched roof above this would slope away from the boundary. Also, two of the three windows on number 5 that would face the development serve dual aspect rooms. The third fenestration, a kitchen window, looks out onto existing trellis and hedging which would be maintained by the light well left between the properties post development.

11. RECOMMENDATION

11.1 That planning permission be granted.

Case Officer Check List	Officer Check/Comments
Has the consultation letter/site notice/advert period expired?	Y
Was a site notice posted and if so, was the date entered into Uniform?	N
Is the Article 35 Statement included?	Y
Is the CIL box ticked/un-ticked in Uniform?	Ticked
Are all plans, documents, site photographs and emails saved to DMS?	Y
If applicable, please give the reason why the application is overtime.	Committee item
Does the application involve the demolition of any buildings that are currently in use?	N
Is there a Legal Agreement?	N
Has the Uniform Legal Agreement box been filled in?	
Is a copy of the agreement on DMS (both redacted and non-redacted versions)? Has the agreement been published on the website?	

Condition(s) and Reason(s):

- 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.

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

103-01
 104-01
 203-01
 204-01
 302-01
 401-01 A

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

3. **The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture.**

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).

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Archaeology Unit (HCC)	<p>Thank you for consulting me on the above application.</p> <p>In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I therefore have no comment to make upon the proposal.</p>
Local Parish	<p>The extensive changes at ground floor will affect adjacent neighbours' 45 degree line, and will introduce a looming structure to the rear of No 5 with loss of amenity.</p> <p>Object</p> <p>CS12 The extensive changes at ground floor will affect adjacent neighbours' 45 degree line, and will introduce a looming structure to the rear of No 5 with loss of amenity.</p> <p>Objection</p> <p>CS12</p>
Environmental And Community Protection (DBC)	<p>Having reviewed the application submission and the ECP Team 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</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	1	0	1	0

Neighbour Responses

Address	Comments
5 Queens Road Berkhamsted Hertfordshire HP4 3HU	<p>We object to the current proposal because we have some concerns about the potential impact on the loss of natural light and visual amenity.</p> <p>Due to the fact that many of our windows are only on the side of our house facing number 7, the design will reduce our only source of natural light in several sections of our home.</p> <p>Similarly, due to the proximity of the development to our house and boundary we also have concerns about the visual impact from windows facing the proposed extension.</p>

6. APPEALS UPDATE

APPEALS LODGED

Appeals received by Dacorum Borough Council between 01-05-2020 and 03/06/2020

Our reference: 19/02620/FHA

PINS Reference: APP/A1910/D/20/3248290

Hawkridge Lady Meadow

KINGS LANGLEY

WD4 9NF

Procedure: Written Representations

Our reference: 19/00528/UL

PINS Reference: APP/A1910/W/20/3245645

Land adjacent to 26 Station Road

BERKHAMSTED

HP4 2EY

Procedure: Written Representations

Our reference: 4/02286/18/MFA

PINS Reference: APP/A1910/W/19/3242910

Plots 2 and 3 Kier Park

Maylands Avenue

Hemel Hempstead

HP2 4 SQ

Procedure: Written Representations

APPEALS DISMISSED

Our reference: 4/01915/19/FUL

PINS Reference: APP/A1910/W/19/3240367

The Old Stables, Croft Lane

CHIPPERFIELD

WD4 9DXL

Procedure: Written Representations

Proposal: Three-bedroom detached family dwelling with carport/garage. Alterations to landscape including new orchard/copse, wildflower meadow and wildlife pond.

Summary

The appeal site (in Chipperfield) measures 0.88 hectares and was formerly used as a paddock to the adjacent stables. There are surrounding houses, however they are at some distance, with gaps of around 150m between nearest buildings. The proposal was for the construction of a detached dwelling under the 'limited infilling in villages' exception. Site lies adjacent to village boundary so Inspector considered it can be classed as within the village. However, the Inspector found that the position of the site, the current use of the land and the relationship with other buildings mean the site cannot be considered as a gap along a clearly identified built up frontage. Neither could it be considered to be a site within a group of buildings as it would be physically separate by some distance to other buildings to the north and east.

The appellant argued that the site has been used as residential curtilage for some years, however did not provide sufficient evidence to verify this so the Inspector does not consider that the land has any authorised residential or other alternative use.

In terms of openness, the Inspector found that the proposal would have a harmful effect on openness by virtue of the additional built form and the potential for ancillary structures and domestication of a large area.

The Inspector also touches on the visual vs. spatial argument, to say that there is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development rather than being primarily about visual effects.

Our reference: 4/01012/19/OTD & 4/00955/19/OTD & 4/00955/19/OTD

PINS Reference: APP/A1910/W/19/3235231 & APP/A1910/W/19/3235655 & APP/A1910/W/19/3236531

18, 20 & 22 Bridge Street

Hemel Hempstead

HP1 1EF

Procedure: Written Representations

Proposal: Change of use of A1 to A3 restaurant

There are three appeals on the site. Although dealt with in one appeal decision, each proposal has been considered separately.

Schedule 2, Part 3, Class C of the GPDO permits, amongst other things, development consisting of a change of use of a building from a use falling within Class A1 (shops) of the Schedule to the Use Classes Order to a use falling within Class A3 (restaurants and cafés). This is a qualified right in that exceptions apply whereby development is not permitted by Class C if the cumulative floorspace of the existing building changing use under Class C exceeds 150 square metres. Furthermore, if the development together with any previous development under Class C would result in more than 150 square metres of floor space in the building having changed use under Class C

then similarly it is not permitted development. Other conditions also apply however these are only applicable if the development is able to comply with the floorspace requirements.

The Council set out that this property is a single unit which was formerly in retail use for 'Dreams Beds' having operated on this site as a single shop for over 10 years prior to the submission of the applications. Reference is also made to the subdivision of Nos 14 and 16 having been previously subdivided by the same process.

Historically an application¹ for a prior approval for the whole unit (360 m² floor area) was refused. The floorspace conversions for the proposed changes of use in these prior approval appeals are given as: No.18, 100 m²; No.20, 120 m²; No.22, 75 m². The overall total being 295 m² of floorspace.

At the time of my visit the shop unit was empty however the unit remained as a single space.

Main Issue

Having regard to the above matters the main issue is whether the proposals constitute permitted development under Schedule 2, Part 3, Class C of the Town & Country Planning (General Permitted Development) (England) Order 2015 (GPDO), as amended.

Reasons

The Council's reason for refusal indicates that the appeal proposal would not constitute permitted development by virtue of Schedule 2, Part 3, Class C of the GPDO as the cumulative floorspace total of the existing building changing use under class C exceeds 150 m² and so fails the test required in that schedule.

This is not a matter of planning judgement but an empirical measurement relating to whether the building does or does not qualify with the requirements of the order. As the floorspace cumulatively exceeds 150 square metres it follows that the property, as submitted for the subdivided uses, cannot benefit from permitted development rights under Schedule 2, Part 3, Class C of the GPDO. Full planning permission is therefore required.

The Appellant argues that the three properties are separate addresses and permitted development rights should be applied to each. However, from what I have seen and read and from the evidence provided by the Council I am satisfied that this building is a single retail unit and its last authorised use was for that purpose. The fact that the property may historically have been separate addresses is not material to my determination of these appeals.

I note that the appellant makes reference to permissions at Nos 14 and 16 Bridge Street having already been converted to A3 café/restaurant use with no mention of the floorspace issue. I saw on my site visit that No.16 is an empty unit and that No.14 was shuttered and not currently operating. I also concur with the Council's comment that should any error have occurred during the consideration of the

separation of units 14 and 16 by the Council it does not have any bearing on the appeals before me.

The matter of the Councils' handling of applications for Nos 14 and 16 are matters for the Council, though the reference to them is relevant as prior conversions of part of the same building would mean that the cumulative floorspace test would also fail.

Conclusion

In the light of the above circumstances permitted development rights conferred by Schedule 2, Part 3, Class C of the GPDO cannot apply to any of the three appeal cases and the consequence of this is that planning permission would be required. Accordingly, all three appeals fail.

Enforcement Notice Appeals

Enforcement Notice Varied and upheld

PINS Reference: APP/A1910/C/19/3224848

Puddephats Lane

MARKYATE

AL3 UL

8AU

Procedure: Written Representations

The appeal is made against an enforcement notice issued by Dacorum Borough Council.

The enforcement notice was issued on 15 February 2019.

The breaches of planning control as alleged in the notice are (all without planning permission):

The material change of use of the land outlined red on the attached plan from a woodland to a mixed use of a woodland and parking of vehicles and storage of items not required for use in forestry management (including a mobile home). The creation of a vehicular access from Puddephats Lane and installation of a seven-bar metal gate immediately adjacent to the highway.

The requirements of the notice are:

Step 1: cease the use of the land for storage of items not required in connection with the lawful use of the land (for the avoidance of doubt, this includes, but is not limited to, the mobile home and vehicles).

Step 2: Remove from the land all items not required for the lawful use of the land (for the avoidance of doubt, this includes, but is not limited to, the mobile home and vehicles).

Step 3: permanently remove the seven-bar metal gate and the timber posts immediately adjacent on either side of this gate, shown on the approximate position

with a blue line on the attached plan, from the land, and ensuring that any holes/ foundations within the land arising from the removal of the gate and posts are returned to their condition and natural level before the breach of planning control took place.

Step 4: reinstate a boundary treatment of a height no greater than one metre within the gap created by the removal of the seven-bar metal gate and the adjacent timber posts.

The period for compliance with the requirements is three months.

The appeal is proceeding on the grounds set out in section 174(2)(c) and (d) of the Town and Country Planning Act 1990 as amended.

Decision

The enforcement notice is varied by:

Deleting steps 1 and 2 in section 5 of the notice and substituting with:

Step 1: Cease the use of the land for storage of items (including, but not limited to the mobile home) and parking of vehicles.

Step 2: Remove from the land all stored items (including, but not limited to the mobile home) and parked vehicles.

Subject to these variations, the appeal is dismissed and the enforcement notice is upheld.

The Council's evidence suggests that rather than carrying out forestry activities on the land, it has been turned into a leisure plot. However, that assertion is at odds with the way that the Council drafted the enforcement notice, which is to allege a change of use to a mixed use with a woodland element. The appellant says that the site is being used for forestry purposes as well as for parking and storage.

I shall therefore assume that the allegation in the notice is correct. If the Council wishes to pursue other alleged breaches of planning control, including a leisure use, a new enforcement notice would be required.

In the same vein, I should also clarify that the drafting of the enforcement notice does not allege that the mobile home amounts to some fourth element of a mixed use. Rather, the alleged storage use includes the storage of a mobile home. Consequently, if the mobile home is positioned on the land for any other purpose, the Council would need to issue another notice in order to enforce against whatever use that might be.

Nevertheless, the enforcement notice is defective in one sense; the alleged mixed use is described as including the parking of vehicles, but that use is not required to cease. The notice does require the alleged storage use to cease and references vehicles in that context, but parking is a different use and is included as such in the allegation. This is a serious error because, if the notice requires only part of the breach is remedied and those requirements are subsequently complied with, then

planning permission will be deemed to be granted for the remainder of the matters contained in the allegation¹ .

However, I have the power to correct any errors in an enforcement notice if this would cause no injustice to the appellant or the Council. Since the appellant is clearly aware that the Council wishes to enforce against the parking element of the mixed use, and indeed the notice requires the removal of vehicles, I am satisfied that the notice can be corrected to require that use to cease without causing injustice.

Just as the enforcement notice did not require the alleged parking use to cease, it does not require the alleged access to be removed. However, it would make the notice considerably more onerous, and thus cause injustice, if I was to add a requirement to remove the access. In any case, it may be that the requirement to close the boundary would suffice to prevent use of the access. The Appeal on Ground (c)

In essence, the appellant's case under ground (c) is that there has been no breach of planning control since the use – as it relates to the mobile home – benefits from permitted development rights.

In support of the appeal, the appellant has produced Annex E relating to permitted development rights for agriculture and forestry, taken from Planning Policy Guidance 7 (PPG7), which refers to the Town and Country Planning (General Permitted Development) Order 1995 (the 1995 Order).

PPG7 has been cancelled and the 1995 Order has been revoked and replaced by the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 2015 Order). For the purposes of a ground (c) appeal, the relevant Order is the one in force when the development took place. I shall look at that date in relation to ground (d) but do not need to at this stage because the permitted development rights for forestry are essentially the same in both the 1995 and 2015 Orders.

In the 2015 Order, Article 3 and Schedule 2, Part 6, Class E grant planning permission (subject to conditions) for 'the carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of— (a) works for the erection, extension or alteration of a building; (b) the formation, alteration or maintenance of private ways...'

The appellant describes the alleged mobile home as a 'mobile building' and he says that it was put on the site for the purpose of a forestry workers rest room and tools storage facility. He has provided, however, no evidence that the structure is a building – when photographs indicate that it is a caravan. Since caravans are moveable by definition, their placement on land is normally taken as facilitating a change of use, and not the 'erection of a building' which might be permitted by Part 6, Class E.

Moreover, the appellant has not shown that a rest room or tools storage facility are reasonably necessary for forestry. Nor has he demonstrated that the storage of a mobile home is reasonably necessary for that purpose. Indeed, there is no evidence

that any tree works have taken place on the site beyond those which took place to make space for the alleged storage and parking uses, plus the creation of the access.

I accept that the appellant would not have needed to consult or seek prior approval from the Council in order to exercise permitted development rights set out under Part 6, Class E. However, that is not enough for me to find that the caravan or indeed the alleged storage use have the benefit of planning permission. On the balance of probabilities, the use is not permitted by Part 6, Class E.

To assist the appellant, I shall consider whether the stationing of the mobile home would be permitted by Part 5 of the GPDO which, taken with the Caravan Sites and Control of Development Act 1960, grants permitted development rights for the stationing of a caravan on forestry land for the seasonal accommodation of persons employed in forestry on the land, or the stationing of a caravan for the accommodation of permission employed in connection with permitted operational development.

However, the enforcement notice does not allege that the mobile home has been lived in by any person; the claim is that the caravan is being stored on the land. The appellant has not shown that the enforcement notice is incorrect in this regard or provided any evidence that the caravan has been used to accommodate forestry or other workers.

Although Part 6 Class E permits the formation of a private way, the alleged access is not permitted development because the appellant has not shown it to be reasonably necessary for the purposes of forestry. Moreover the seven-bar gate is not permitted by Class E because Article 2(1) of the GPDO 2015 makes clear that a 'gate' cannot be considered a building for the purposes of Part 6.

The Council has also produced evidence from the Gazetteer of Hertfordshire roads which shows that Puddephats Lane is a classified 'C' Road. Consequently, the permitted development rights provided by Schedule 2, Part 2, Class B for a means of access to a highway do not apply. The Council also state that the entrance gate and the timber posts are adjacent to a highway and are in excess of 1m in height. This is not disputed by the appellant. On this basis, the gate and timber posts do not benefit from the permitted development rights provided by Schedule 2, Part 2, Class B.

I therefore conclude that the appellant has not demonstrated that any of the matters alleged in the notice are not in breach of planning control. The appeal on ground (c) fails. The Appeal on Ground D

The appellant's claim for ground (d) is that the alleged parking and storage uses are immune from enforcement action. In accordance with s171B(3) of the Town and Country Planning Act 1990, the appellant has to show that the alleged change of use occurred by or before 15 February 2009, ten years before the enforcement notice was issued, and that the uses continued for a ten year period.

It is the appellant's position that car parking and storage on a small part of facility has been ongoing on the land for 25 years or more and that he has seen the area to

be used for these purposes for the past 20 years. However, the appellant has provided no evidence in support of these assertions to demonstrate that any part of the land has been used as such for the relevant ten year period. It is clear from the Council's evidence that several different cars have been parked at the site since 2016 but I have nothing before me which suggests anything approaching ten years.

Moreover, the appellant acknowledges that the mobile home, which is said to be stored on the land "has not been there for that many years." Indeed, in Appeal Decision APP/A1910/C/19/3224848 <https://www.gov.uk/planning-inspectorate> 5 response to a Planning Contravention Notice (PCN) served by the Council on 15 January 2016, the appellant stated that he first placed the mobile home on the site when he purchased the land – and Land Registry documents provided by the Council confirm that this was 13 August 2015, some three and a half years prior to the enforcement notice being served.

I conclude that appellant has therefore failed to demonstrate that, on the balance of probabilities, the use of the land for parking of vehicles and storage of items has gained immunity from enforcement action through the passage of time. For the avoidance of doubt, the appellant does not claim and has provided no evidence that the alleged creation of a vehicular access and installation of a seven-bar metal gate are immune from enforcement action. It follows that the appeal on ground (d) does not succeed.

Other Matters

The appellant states he that sought advice before he brought the mobile building to the site, and he thought it would be permitted development. He also says that a Council officer said they were satisfied with the use. However, I have no further details of the advice actually given to the appellant and I am not in any event bound by an officer's informal comments. The appellant's claims cannot alter my findings on the evidence for grounds (c) or (d).

The appellant has also expressed concern about Council bias but this is not a matter within my remit.

A local resident has made representations that the caravan is an attempt to establish residence and to build a house. However, I have no evidence to this effect and this is not a matter alleged in the enforcement notice. Moreover, as the appellant has not made any application for planning permission through an appeal on ground (a), I have not considered matters relating to the merits or otherwise of the mobile home.

APPEALS ALLOWED

None

APPEALS WITHDRAWN

None