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DEVELOPMENT MANAGEMENT AGENDA

THURSDAY 10 FEBRUARY 2022 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM

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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 C Wyatt-Lowe (Vice-Chairman)
Councillor Beauchamp
Councillor Durrant
Councillor Hobson
Councillor Maddern

Councillor McDowell
Councillor Oguchi
Councillor Douris
Councillor Williams
Councillor Hollinghurst

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

AGENDA

1. MINUTES

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

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

Time per speaker	Total Time Available	How to let us know	When we need to
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 meeting.

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

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

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

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

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

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

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

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

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

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

5. INDEX TO PLANNING APPLICATIONS (Page 5)

- (a) 21/02419/FUL - Conversion of building to seven self-contained flats - Abeegale House, 13 Shrublands Road, Berkhamsted, Hertfordshire, HP4 3HY (Pages 6 - 29)
- (b) 21/04467/FUL - Redevelopment of the site to provide three detached dwellings - The New Forge, Maple Farm, Shantock Lane, Bovington, Hertfordshire (Pages 30 - 54)
- (c) 21/02925/FUL - Change of use from Sui Generis to C3 residential. Construction of two pairs of semi detached dwellings comprising two four bedroom properties and two three bedroom properties - Land To R/O Wigginton Garage, Chesham Road, Wigginton, Hertfordshire, HP23 6EJ (Pages 55 - 79)
- (d) 21/04265/ROC - Variation of Condition 2 (Approved Plans) attached to planning permission 4/00726/17/FUL (Two three bed detached dwellings) - Land to the rear of 76-78 Belswains Lane, Hemel Hempstead (Pages 80 - 91)
- (e) 21/03837/FUL - Installation of 1No. 17.5m high monopole and 2No. equipment cabinets, together with ancillary apparatus. Existing monopole and cabinet to be removed - South Side Of Station Road, Station Road, Tring, Herts (Pages 92 - 114)
- (f) 21/03794/FHA - Construction of top lit rear dormer, top lit extension to existing rear dormer, and front rooflight - 5 Hamilton Road, Berkhamsted, Hertfordshire, HP4 3EF (Pages 115 - 126)
- (g) 21/04291/FHA - Installation of Air Source Heat pump adjacent to North east facing wall of the dwelling - 12 Fieldway, Berkhamsted, Hertfordshire, HP4 2NX (Pages 127 - 133)
- (h) 22/00190/NMA - Non-material amendment to planning permission 4/03034/18/FHA (Demolition of existing garage and sheds and construction of a new garden studio, workshop and garage) - 12 Puller Road, Hemel Hempstead, Hertfordshire, HP1 1QL (Pages 134 - 137)

6. PLANNING ENFORCEMENT REPORT (Pages 138 - 150)

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5c.	21/02925/FUL	Change of use from Sui Generis to C3 residential. Construction of two pairs of semi detached dwellings comprising two four bedroom properties and two three bedroom properties. Land To R/O, Wigginton Garage, Chesham Road, Wigginton
5d.	21/04265/ROC	Variation of condition 2 (approved plans) attached to planning permission 4/00726/17/FUL (Two three bed detached dwellings) Land Rear Of 76-78, Belswains Lane, Hemel Hempstead, Hertfordshire
5e.	21/03837/FUL	Installation of 1No. 17.5m high monopole and 2No. equipment cabinets, together with ancillary apparatus. Existing monopole and cabinet to be removed. South Side Of Station Road, Station Road, Tring
5f.	21/03794/FHA	Construction of top lit rear dormer, top lit extension to existing rear dormer, and front rooflight 5 Hamilton Road, Berkhamsted, Hertfordshire, HP4 3EF
5g.	21/04291/FHA	Installation of Air Source Heat pump adjacent to North east facing wall of the dwelling. 12 Fieldway, Berkhamsted, Hertfordshire, HP4 2NX
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Agenda Item 5a

ITEM NUMBER: 5a

21/02419/FUL	Conversion of building to seven self-contained flats.	
Site Address:	Abeegale House, 13 Shrublands Road, Berkhamsted, Hertfordshire, HP4 3HY	
Applicant/Agent:	Mrs Prasad	Mr Donald Shearer
Case Officer:	Andrew Parrish	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	Due to contrary views of the Berkhamsted Town Council	

1. RECOMMENDATION

That planning permission be GRANTED

2. SUMMARY

2.1 The application is recommended for approval. Permission is sought for conversion of the building to seven self-contained flats. Permission was granted in 2014 for change of use to seven dwellings with car parking, cycle storage and amenity space and therefore the principle of conversion has been accepted, although that was never implemented.

2.2 Appeals against the Council's refusal of two applications submitted in 2020 for conversion and construction of additional dwellings in the rear garden were dismissed on grounds inter alia of providing insufficient amenity space, insufficient car parking and appearing cramped and harmful to the street scene / Conservation Area.

2.3 The current application seeks to address these issues. The proposal is for conversion only and does not involve new dwellings in the rear garden. External alterations to the Edwardian building are relatively minimal, involving mainly fenestration changes, and seek to improve its contribution to the significance of the Berkhamsted Conservation Area. The Conservation Officer considers that the proposals will preserve the character and appearance of the Conservation Area.

2.4 The car parking arrangements will be rationalised and improved with an access from Shrublands Road rather than Shrublands Avenue. The overall provision accords with the Car Parking SPD and the Highway Engineer has raised no objections subject to conditions.

2.5 The combination of private and communal outdoor amenity space in the scheme would be a significant improvement in the overall quantum and quality of amenity space proposed in connection with the recently refused and dismissed schemes for this site in April 2021 and the previously permitted scheme in 2014, and accords with Appendix 3 and Policy CS12.

2.6 The proposals will not result in any material detriment to surrounding residential properties by reason of overlooking, loss of sunlight or daylight or overbearing appearance. Whilst there would be some potential light pollution from additional windows overlooking No. 11 Shrublands Road, a refusal on this ground is not considered to be justifiable.

2.7 Details of materials, landscaping, EV charging, completion of a sustainability checklist and highway requirements are recommended by condition.

2.8 On balance, applying the 'tilted balance', it is considered that the benefits of the development in terms of making a contribution to the Council's housing requirements, significantly and demonstrably outweighs the limited amount of harm identified from this proposal.

3. SITE DESCRIPTION

3.1 The site is rectangular in shape and measures approximately 17.5 m wide x 40 m deep. The site comprises a large three-storey detached Edwardian dwellinghouse (plus basement) which is situated on a corner plot on the junction of Shrublands Road and Shrublands Avenue, Berkhamsted. The surrounding area is predominantly residential in terms of both use and character and comprises a mix of larger, mainly pre-war C20 detached and semi-detached dwellings set back from their respective frontages and, in Shrublands Road, set within a more mature landscaped setting. The site falls within the Berkhamsted Conservation Area.

3.2 The site rises steeply from front to rear and is bounded by a mature clipped hedge to its frontage with Shrublands Road and by a brick wall to its Shrublands Avenue frontage. There is vehicular access from Shrublands Avenue to a tarmacked hardstanding area on the frontage. There is pedestrian access to the rear garden and side garden / door from Shrublands Avenue. The property features a number of flat roofed additions to the rear which are generally sympathetic in terms of materials and fenestration.

4. PROPOSAL

4.1 Permission is sought for conversion of the building to seven self-contained flats. The proposals involve the rearrangement of the frontage to form 8 parking spaces with access from Shrublands Road, the provision of a communal amenity area and alterations to fenestration and other details.

5. PLANNING HISTORY

Planning Applications

20/01677/FUL - Conversion of building to six self-contained flats, partial demolition of building at rear and construction of one dwelling.

REF - 19th August 2020

4/00134/19/FUL - Conversion of building to six flats, demolition of buildings to rear and construction of three dwellings

REF - 4th February 2020

4/03031/14/FUL - Change of use from single dwelling (c3) to seven dwellings with car parking, cycle storage and amenity space

GRA - 21st April 2015

4/01392/13/FUL - Change of use from residential care home with ancillary living accommodation (c2) to use as a single dwelling house (c3)

GRA - 23rd September 2013

4/01974/07/FUL - Change of use to residential development comprising eight one and two bedroom apartments (amended scheme)

REF - 25th October 2007

4/01881/02/FUL - Change of use from residential care home to private dwelling

REF - 3rd December 2002

4/01234/02/FUL - Change of use from nursing home (class c2) to residential (class c3)

WDN - 5th August 2002

4/00722/94/FUL - Two storey & single storey rear extension, first floor & attic extensions and alterations to nursing home. (revised scheme)

GRA - 1st September 1994

4/00355/94/RES - Submission of details of parapet,extraction system and landscaping pursuant to conditions 3,4 & 5 of p/p 4/0167/93(extension & alterations to nursing home)
WDN - 1st June 1994

4/00167/93/FUL - Two storey and single storey rear extension first floor side extensions and alterations to nursing home
GRA - 12th August 1993

4/01274/91/FUL - Conversion to form three residential flats creation of new access and provision of car parking
REF - 7th January 1992

Appeals

20/00039/REFU - Conversion of building to six flats, demolition of buildings to rear and construction of three dwellings
DISMISSED - 6th April 2021

20/00064/REFU - Conversion of building to six self-contained flats, partial demolition of building at rear and construction of one dwelling.
DISMISSED - 6th April 2021

4/01974/07/FUL - Change of use to residential development comprising eight one and two bedroom apartments (amended scheme)
DISMISSED - 15th May 2008

6. CONSTRAINTS

Article 4 Directions: Shrublands Road, Berkhamsted No's: 5-15(Odd)
CIL Zone: CIL1
Berkhamsted Conservation Area
Parish: Berkhamsted 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 (Berkhamsted)
Parking Standards: New Zone 3
EA Source Protection Zone: 3
EA Source Protection Zone: 2
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)

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
CS13 – Quality of Public Realm
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 - Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

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

Policy 10 – Optimising the Use of Urban Land
Policy 13 - Planning Conditions and Planning Obligations
Policy 18 – The Size of New Dwellings
Policy 19 - Conversions
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 100 – Tree and Woodland Planting
Policy 120 - Development in Conservation Areas
Policy 129 - Storage and Recycling of Waste on Development Sites
Appendix 3 - Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents:

Environmental Guidelines (April 2004)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Parking Standards SPD (Nov. 2020)
Refuse Storage Guidance Note (Feb 2015)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

Background
Policy and Principle
Suitability of the Site for Development;
Impact on Street Scene and Berkhamsted Conservation Area
Access and Highway Safety
Parking
Impact on Residential Amenity
Sustainability Requirements

Background

9.2 The current residential use of the property resulted from a permission granted in September 2013 for a change of use from residential care home (C2) with ancillary living accommodation to use as a single dwelling house (C3) (4/01392/13/FUL).

9.3 In 2015, a change of use was granted from a single dwelling house (C3) to seven dwellings with car parking, cycle storage and amenity space (4/03031/14/FUL). That permission however was not implemented.

9.4 In February 2020, an application for conversion of the building to six flats, demolition of buildings to the rear and construction of three dwellings (4/00134/19/FUL) was refused by the Committee on grounds inter alia of:

- ❑ Insufficient provision of amenity space, insufficient cycle storage and vehicle parking and overdevelopment of the site.
- ❑ The proposed development was also considered to be of a scale and density which was not respectful of neighbouring properties, was overbearing on the street scene and out of character with the surrounding area.

9.5 A subsequent appeal was dismissed on 6th April 2021 for three main reasons:

1. Appearing cramped and out of scale with the predominantly smaller, narrower fronted properties in Shrublands Avenue, and closing the gap offering views of the verdant backdrop of surrounding properties. The Inspector also considered that the open frontages with car parking would jar with the walled frontages of other properties. The public benefits of housing provision were not deemed sufficient to outweigh the harm to the Berkhamsted Conservation Area.
2. Providing insufficient and unsuitable private and shared outdoor space that would be open to the street and lack privacy, or otherwise not be useable.
3. A shortfall in vehicle and cycle parking provision would be likely to encourage additional on-street parking in surrounding residential streets, and the capacity for on-street parking in Shrublands Avenue would be reduced by the vehicle crossovers for curtilage parking for the proposed houses.

9.6 A revised application in August 2020 for conversion of the building to six self-contained flats, partial demolition of the building at the rear and construction of one dwelling (20/01677/FUL) was refused under delegated authority on grounds of:

- ❑ Insufficient provision of amenity space
- ❑ Due to its architectural styling and overall design, the development would be incongruous and incompatible with the prevailing street scene and harmful to the significance of the Berkhamsted Conservation Area.

9.7 A subsequent appeal was dismissed on 6th April 2021 for two main reasons:

1. The form and appearance of the new dwelling to the rear of the appeal property with its sunken external space would contrast with the established characteristics of houses in the locality, projecting significantly closer to Shrublands Avenue, and with cumbersome detailing, would stand out as an ungainly addendum to the street. The additions at second floor level to the appeal property would be a further prominent and unsuitable flat roofed addition that would jar with its architectural form and detailing. The public benefits of housing provision were deemed not sufficient to outweigh the harm to the Berkhamsted Conservation Area.
2. Providing insufficient and unsuitable private and shared outdoor space for the flats, and due to the sunken nature of the space for the house would be of such poor quality as to create substandard living conditions for the occupants of the house.

Policy and Principle

9.8 The site falls within the urban area of Berkhamsted wherein, under Policies CS1 and CS4 of the Core Strategy, appropriate residential development is encouraged subject to complying with all other relevant policy criteria. Policy CS17 encourages the development of housing to meet the district housing allocation.

9.9 Saved Policy 19 of the DBLP states that conversion of houses to flats will be permitted subject to various criteria.

9.10 Saved Policy 18 states that regard will be paid to the need to provide accommodation for new, small households.

9.11 Saved Policy 10 encourages the optimisation of urban land provided, inter alia, general building development is designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan.

9.12 The NPPF (Para. 117) also encourages the effective use of land to meet the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

9.13 Furthermore, planning permission has previously been granted on the site for residential use as a single dwellinghouse under application 4/01392/13/FUL and subsequently under 4/03031/14/FUL for change of use to seven dwellings under the same policy framework noted above.

9.14 The principle of conversion for residential use is therefore acceptable.

9.15 The main considerations relate to the impact of the development on the street scene and the character and appearance of the Conservation Area, the adequacy of car parking, and the impact on residential amenities including suitability of private amenity space.

Impact upon the Street Scene and Berkhamsted Conservation Area

9.16 Policies CS10, 11, 12 and 13 of the Core Strategy are overarching design policies that expect a high standard of design and layout in all development proposals at the settlement, neighbourhood and site level, including the public realm. Policy CS12 notes that on each site, development should integrate with streetscape character.

9.17 The site falls within the Berkhamsted Conservation Area where under Policy CS27 proposals should favour the conservation of heritage assets, and under both saved Policy 120 and Policy CS27, proposals should preserve or enhance the established character or appearance of the area.

9.18 Furthermore, Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

9.19 No. 13 Shrublands Road is a detached Edwardian property in a prominent position on the corner of Shrublands Road and Shrublands Avenue. The application site lies within the Berkhamsted Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in relation to conservation areas and states that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*'

9.20 Whilst 13 Shrublands Road has been extended and altered, particularly to the rear in an unsympathetic way, the property nevertheless is considered to make a positive contribution towards the significance of the Berkhamsted Conservation Area due to its strong Edwardian character and appearance and as part of the early 20th century development of this part of the town.

9.21 As noted by the Conservation Officer, amended plans have been received during the course of the application which address a number of concerns raised in respect of the initial plans submitted. These alterations have gone hand in hand with amendments to the parking arrangements which provide a more logical and coherent layout alongside a single point of access from Shrublands Road. This has importantly enabled the retention of the porch to the frontage which is an important part of the overall character of the property.

9.22 Due to the site being situated directly on a corner plot, the impacts of the development upon the street scene need to be assessed in relation to both Shrublands Road and Shrublands Avenue.

9.23 In regards to Shrublands Road, relatively minor alterations are proposed to the front elevation comprising improvements to the balance and proportions of the fenestration, replacing windows to match the style of the existing historic windows, replacing the main front entrance door with a new window and door, replacement black metal balustrading, introduction of bin store doors into the proposed undercroft area and other minor alterations. The proposals in this respect are considered to enhance the Edwardian character of the property and to make a positive contribution to the Conservation Area.

9.24 In terms of Shrublands Avenue, improvements are again proposed to the balance and proportions of the fenestration including replacement windows as necessary to match the historic pattern. An existing dormer window facing the road would be slightly enlarged to no significant detriment, and the existing entrance door from Shrublands Avenue would be protected from the weather by a hipped and tiled porch, similar in design to the front porch. In addition, the proposals would introduce an 1100 mm high balustrade and 1800 mm dividing horizontal slatted timber privacy screen to the proposed first floor roof terrace which the Conservation Officer considers preferable to the previously proposed opaque glass screen. The existing boundary wall would be retained with only minor alterations to accommodate improved pedestrian access to the side door, close off pedestrian access to the rear patio / garden area and close off the existing vehicular access to the frontage car park from Shrublands Avenue. The proposals in respect of this elevation are considered to cause no harm to the Conservation Area and in a number of respects to enhance it.

9.25 In regards to the rear elevation no major changes are proposed other than to fenestration to suit the proposed use of the flats, the reduction in size of the rear dormer and associated removal of balcony and balustrade and the introduction of a roof terrace and metal balustrading over the ground floor flat roofed extension. On balance these changes would not be considered harmful to the appearance of the property or to the street scene or Conservation Area.

9.26 In regards to the south east elevation the only material changes relate to the introduction of larger and additional windows to the ground floor and two additional windows to the first floor but

given that these would not be highly visible to the street scene, there would be no material detriment and the proposals would not harm the Conservation Area.

9.27 Together with the alterations to the parking arrangements at the front, which include block paving in lieu of tarmac, and the retention of boundary enclosures, and subject to details of external landscaping and matching materials, the Conservation Officer considers that the proposals will preserve the character and appearance of the Berkhamsted Conservation Area. By extension the proposals would also be acceptable with regards to their impact on the street scene. The proposals would therefore accord with Policies CS10, 11, 12, 13 and 27 of the Core Strategy and saved Policy 120 of the Local Plan.

Access and Highway Safety

9.28 Policy CS12 of the Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.

9.29 Furthermore, Saved Policy 51 of the DBLP states that the acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development and the environmental and safety implications of the traffic generated by the development.

9.30 In providing context, the site lies approximately 200m from the High Street in Berkhamsted and therefore is within easy walking and cycling distance of shops and services. Berkhamsted Railway Station is approximately 1.3km from the site and within a reasonable walking and cycling distance and there is access to regular bus services in the High Street and the canal towpath for longer distance walking and cycling connections.

9.31 During the processing of the application, it was apparent that the initial proposals utilising the existing access from Shrublands Avenue would result in a somewhat disorganised and incoherent layout that would disrupt and interfere with the layout and design of the building to its detriment whilst also opening up unsightly views of a car park to the frontage and result in the loss of potential for boundary planting.

9.32 The proposals have been revised such that car parking would be accessed from the frontage along Shrublands Road and the existing access from Shrublands Avenue would be closed off and reinstated with a boundary wall and hedging. The Highway Engineer has assessed the proposals and raises no objections to the access, noting that its width at 7.2 m (which is wider than normal) is acceptable owing to the number of parking spaces served. Conditions are recommended covering details / specifications of the access, closure of the existing access and requiring any gates, chain or other obstructions to be set back a minimum of 5.5 m from the back edge of the footway. Various highway informatives are also recommended.

9.33 Saved Policy 129 of the DBLP states that developers will be expected to provide adequate space and facilities for the separation, storage, collection and recycling of waste within certain major developments. Whilst not a major development, refuse bins are to be stored within an undercroft area accessible via doors within the frontage of the building from the car park. These would be situated within 25 metres of the Highway, therefore would comply with the Council's Refuse Storage Guidance Note maximum walk distance for refuse operatives.

5.34 It is therefore considered that the proposals would comply with the relevant requirements of Policy CS12 of the Core Strategy and Saved Policy 51 of the DBLP.

Parking

9.35 The Town Council and a number of residents have raised concerns at the adequacy of car parking.

9.36 Policy CS12 of the Core Strategy states that on each site, development should provide sufficient parking. The site is situated within Zone 3 as defined by the Parking Standards SPD.

9.37 The development comprises the following sizes of flats:

- ☐ Two x 1 bedroom
- ☐ Five x 2 bedroom

9.38 The SPD parking standards for Zone 3 are as follows:

- ☐ 1 bedroom dwellings = 1.25 spaces }
- ☐ 2 bedroom dwellings = 1.5 spaces } All allocated

- ☐ 1 bedroom dwellings = 1 space }
- ☐ 2 bedroom dwellings = 1.2 spaces } All unallocated

9.39 Eight off-street parking spaces are proposed and it is confirmed on plan that all the spaces are unallocated. On this basis, the provision meets the required standard of eight spaces which is therefore acceptable. There are no parking restrictions on the roads directly outside of the site or nearby and as such, they are capable of accommodating vehicles associated with occasional visitors to the development if necessary. However, as unallocated spaces they would be available to visitors.

9.40 The spaces would measure be 2.4 m x 4.8 m in accordance with standards set out in the SPD and the bay separation distance of 6.17 m would accord with the minimum requirement of 6 m. The overall parking provision is therefore sufficient and would accord with Policy CS12 of the Core Strategy.

Impact on Residential Amenity

9.41 Policy CS12(c) of the Core Strategy seeks to ensure that there is no visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties. Saved Appendix 3 of the Dacorum Borough Local Plan also sets out guidelines on protecting the amenities of neighbouring properties.

9.42 The location of the site in relation to surrounding properties, coupled with the limited increase in scale of the proposals is such that the above considerations are largely limited to those impacts upon No. 11 Shrublands Avenue located to the immediate east of the application site and No. 15 Shrublands Avenue situated to the immediate south of the site.

9.43 The elevation facing No. 15 would not be materially changed as a result of the conversion. The ground floor doors/windows would be enlarged. However, as these are at ground level and there is a significant difference in level with No. 15 in its favour, there would be no loss of privacy caused. A first floor window would be slightly enlarged to serve a lounge. However, given boundary fencing there would be no material loss of privacy to the garden of No. 15 and there are no windows in the gable of No. 15 that would be overlooked. On the second floor, no alterations to rooflights in the rear elevation are proposed. Overall there would be no material detriment to No. 15 Shrublands Avenue.

9.44 Regarding the impact on No. 11 Shrublands Road, there would be no increase in the height, bulk or depth of buildings such that there would be no loss of sunlight or daylight from the proposals.

9.45 Two new windows and an enlarged window are proposed at first floor level within the flank wall of the development facing No. 11. The new windows would serve a kitchen and a bedroom respectively to flats 5 and 6 and the enlarged window would serve the kitchen to flat 6. The neighbour objects to these on grounds of light pollution, notwithstanding that these windows would be fixed and opaque. However, the window to the bedroom would not be opaque or fixed and it would be recommended by condition that this be obscure glazed and fixed to prevent a loss of privacy. Regarding the potential light intrusion, given that this would be most noticeable after dark when the occupants of No. 11 would be least likely to be outdoors, it is not considered that a refusal on this ground would be justifiable, noting also that the flat occupants would be likely to install curtains or blinds to these windows and that only one window would be visible from the rear patio area serving No. 11.

9.46 The proposals would have an acceptable relationship to other neighbouring properties. Objections from No. 1 Shrublands Avenue raise concerns about loss of privacy from the roof terrace. However, it is not considered that an objection could be sustained on this ground given these frontages are already in the public arena. As such, it is considered that the proposals will not result in unacceptable levels of visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties and therefore accord with Policy CS12 of the Core Strategy.

9.47 Saved Policy 19 states that flats should have a reasonable amount of internal space. Furthermore, saved Appendix 3 of the DBLP 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.

9.48 The proposed flats would be dual aspect and provide a minimum of 51.6 sq m and 66.69 sq m respectively for the one bedroom and two bedroom units which would meet minimum nationally described space standards and is considered to provide an acceptable internal environment with regards to sizing, light ingress, and circulation space and are considered to provide a satisfactory internal environment overall.

Amenity Provision

9.49 The Town Council, Berkhamsted Citizens Association and a number of residents refer to the lack of amenity space and to the proposal as overdevelopment.

9.50 Saved Appendix 3 of the DBLP states that all residential development is required to provide private open space for use by residents. For flats, it states that:

“Residential development designed for multiple occupancy will be required to provide a private communal amenity area to the rear of the building at least equal to the footprint of the building for two storey developments, and increasing with building height.”

9.51 The proposals would provide a communal outdoor amenity area to the rear of the development of some 105 sq m or an area measuring just over 10 metres x 10 metres. Whilst this would be only about a third of the footprint of the existing building, it would be considered to comprise a reasonably functional and private space. Furthermore, it would be no worse in area than the provision already serving the property and about the same as that proposed with the scheme of 7 dwellings permitted at this site in 2015 (4/03031/14/FUL). Moreover, in contrast to the 2015 scheme, the shortfall would be offset by an element of private balconies, patio gardens and roof terraces serving all but the two one bedroom flats and one of the two bedroom flats. However, this shortfall in private balcony space would be offset by a small communal roof terrace on the first floor extending to 9.78 sq m in area which would offer additional amenity provision which any apartment occupier could make use of.

9.52 As the proposal is a conversion rather than new build, and making better use of a sustainably located brownfield site to provide housing, it is considered reasonable to relax certain standards to

achieve good use of land provided this would not severely impact on living conditions or result in harm to design, heritage or other considerations.

9.53 Overall, the combination of private and communal outdoor spaces in the scheme is considered to be a significant improvement in the overall quantum and quality of amenity space proposed in connection with the recently refused and dismissed schemes for this site in April 2021 (4/00134/19/FUL and 20/01677/FUL). The 2019 scheme did not provide any outdoor amenity space whilst the 2020 scheme provided much less than half that proposed here, and no private balconies or terraces at all.

9.54 On balance, it is considered that reasonable provision and quality of outdoor amenity space would be provided as part of this scheme to meet residents' reasonable expectations. The landscaped space, subject to further details by condition, would also be considered to maintain the established character and appearance of the area and contribute to the character and appearance of the Conservation Area. Therefore, the proposals accord with Appendix 3 and Policy CS12.

Sustainability Requirements

9.55 Any new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the Core Strategy.

9.56 A CS29 sustainability checklist has not been submitted in accordance with Policy CS29. It is therefore unclear if the full sustainable development principles will be met. However, it is noted that rather than demolish and rebuild, the proposals seek to convert the existing building which is inherently more sustainable. The proposals include soft landscaping in the form of hedge and tree planting which will contribute to improving the biodiversity of the site. No details of surface water drainage have been provided but given this is an existing building, it is not considered that the drainage proposals will be materially worse and could include water harvesting for irrigation purposes. Similarly, details of energy conservation are not provided but will more than likely be better than existing.

9.57 It would be recommended that a pre-commencement condition requiring completion of the checklist details be provided. Details of sustainable drainage measures can form part of details submitted pursuant to a landscaping condition.

Infrastructure & Developer Contributions

9.58 Policy CS35 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 the 1st July 2015. This application is CIL Liable.

9.59 The Charging Schedule clarifies that the site is in Zone 1 within which a charge of £250 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. Given there is no net increase, the scheme is unlikely to make any contribution.

Other Material Planning Considerations

9.60 The Trees and Woodlands Officer has confirmed that no trees will be detrimentally affected by the development and raises no objections. There is a magnolia tree within the rear space. However, this is not specifically identified or shown to be retained. This is not a visually significant tree in the overall street context. However, its loss can be compensated by tree planting elsewhere as part of the landscaping details to be submitted.

9.61 Due to the quantum of development proposed, the proposal for 7 flats is not liable to affordable housing contributions in accordance with the Council's Affordable Housing SPD - Clarification Note (Version 3: August 2019).

Response to Neighbour Comments

9.62 The Town Council, neighbours and Citizens Association comments and objections have been considered above.

The planning balance

9.63 The Council cannot demonstrate a five-year housing land supply. In consequence, the provisions of Paragraph 11(d) of the Framework are invoked. This states that planning permission should be given for a development unless the benefits are significantly and demonstrably outweighed. This is referred to as the 'tilted balance'.

9.64 In this instance, the benefits of the development are 6 additional new dwellings suitable as starter homes with a reasonable level of amenities for its occupants. This would represent a modest but nevertheless useful contribution towards the provision of housing within the Borough and should be given a significant amount of weight. In providing small homes, the proposal would, to some degree make a contribution to addressing local need for new housing in the surrounding area.

9.65 In addition, the proposed development would generate some economic benefits arising from the construction process and ongoing support for local facilities, albeit these benefits would be of a limited amount. Therefore, they can only be given a limited amount of weight.

9.66 In terms of the environment, the proposals would preserve the character and appearance of the Conservation Area and in a number of respects would make a positive improvement to the appearance of the building and its surrounds through improvements to fenestration, parking arrangements and landscaping to which significant weight can be given.

9.67 No material harm from the development would arise. Whilst there would be some light pollution to the adjoining residential property from new windows, this is not to such a degree that a refusal could be justified. Therefore very limited weight is applied to this.

9.68 On balance, having applied the 'tilted balance', it is considered that the benefits of the development significantly and demonstrably outweigh the limited amount of harm identified.

10. CONCLUSION

10.1 The proposed flat conversion is acceptable in principle and the alterations will preserve the character and appearance of the Berkhamsted Conservation Area and in a number of respects provide a positive benefit. The proposed car parking arrangements with access from Shrublands Road meet SPD standards and the provision of communal outdoor amenity space with supplementary balconies and roof terraces is considered to accord with Appendix 3 and Policy CS12. There would be no material detriment to adjoining residential amenities. Applying the tilted balance, the benefits of the development significantly and demonstrably outweigh the limited amount of harm identified.

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

**1545-BA-100
1545-BA-111 rev C
1545-BA-112 rev C
1545-BA-113 rev D
1545-BA-114 rev B
1545-BA-115 rev C
1545-BA-116 rev B
1545-BA-117 rev C
1545-BA-118 rev D
1545-BA-119 rev B
1545-BA-120 rev C
1545-BA-121 rev A
1545-BA-123 rev C**

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

- 3. No development (excluding demolition, site preparation, ground works) shall take place until samples of the materials (together with summary details) to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the conservation area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013), Saved Policy 120 of the Dacorum Borough Local Plan and the National Planning Policy Framework.

- 4. The development shall be carried out in accordance with the approved plans and elevations and no development (excluding demolition, site preparation, ground works) shall take place until 1:20 details of the design and appearance of the following shall have been submitted to and approved in writing by the local planning authority:**

- o all new windows, replacement windows, external doors and openings (including materials, finishes, sills, window headers). The details shall include vertical and horizontal cross-sections through the openings to show the position of joinery within the openings;**
- o dormer window;**
- o bin store doors;**
- o eaves joinery and rainwater goods to the new porch;**
- o Balustrades.**

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and street scene in accordance with Policy CS12 and CS27 of the Dacorum Core Strategy September 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

- 5. All replacement brickwork in association with removed or repositioned openings shall be made good and keyed into existing brickwork in a matching brickbond, brick /mortar colour / texture.**

Reason: In the interests of preserving the character and appearance of the Berkhamsted Conservation Area as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013), saved Policy 120 of the Dacorum Borough Local Plan 1991-2011 and Section 16 of the National Planning Policy Framework (2021).

- 6. Notwithstanding any details submitted, no development (excluding demolition, site preparation, ground works) shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- o hard surfacing materials;**
- o means of enclosure, including height of screen fences;**
- o soft landscape works including planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- o trees to be retained;**
- o proposed finished levels or contours;**
- o sustainable drainage measures;**
- o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and**
- o retained historic landscape features and proposals for restoration, where relevant.**

The approved landscape works shall be carried out prior to the first use of the development hereby permitted and retained fully in position.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of five 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 similar species, size and maturity.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character and ecology of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12, 13 and 29 of the Dacorum Core Strategy September 2013.

- 7. Prior to the use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 1545-BA-113 D in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and**

disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 8. Prior to the first use of the development hereby permitted the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the access(es) shown on drawing number 1545-BA-113 D only. Any other access(es) or egresses shall be permanently closed, and the footway / kerb / highway verge shall be reinstated in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018), Policy 12 of the Dacorum Core Strategy September 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 9. Prior to the first occupation of the development hereby permitted the proposed on-site car parking, turning area and cycle storage shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for those specific uses. The parking spaces shall at all times remain unallocated to any specific flat.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013), saved Policy 51 of the Dacorum Borough Local Plan and Section 9 of the National Planning Policy Framework (2021).

- 10. Prior to the first use of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 6 (may be reduced to 5.5) metres from the edge of the highway.**

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy 12 of the Dacorum Core Strategy September 2013 and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 11. Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

- 12. No development shall take place until details of proposed sustainability measures within the development, through submission of a CS29 Checklist) shall have been**

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: 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 154 and 157 of the National Planning Policy Framework (2021).

- 13. The window(s) at first floor level in the south east elevation of the development hereby permitted shall be non-opening and permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority.**

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 130 (f) of the National Planning Policy Framework (2021).

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.
2. Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and 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, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
3. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
4. 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.
5. 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	<p>Objection</p> <p>The proposals are an overdevelopment of the site and would result in a lack of amenity space for residents. There is also a lack of parking provision.</p> <p>Appendix 3</p>
Hertfordshire Highways (HCC)	<p>The proposal is for the conversion of a building to seven self-contained flats. This is an interim response to obtain more information regarding the access arrangements. Drawing number 1545-BA-111 states that the existing access will be widened without giving any measurements by how much. HCC Highways does not allow a dropped kerb to be larger than 7.2 metres (6 dropped kerbs and 2 risers). However, it does appear that the existing kerb is not 100% clear and maybe partially dropped in some locations owing to the adjacent road height. Therefore, we would like clarification on the total length of the extended dropped kerb and if any work is proposed to the highway network. Alternatively the existing dropped kerb could be retained and just the entrance to the site be widened. Secondly, HCC Highways would like to see swept path analysis for each space to ensure that each space is accessible and 2.4m x 4.8 metres as per standards. Once these have been provided, HCC Highways can make an informed recommendation on the sites impact on the highway network.</p>
Trees & Woodlands	<p>According to the information submitted the applicant advises no trees will be detrimentally impacted by the development. I have examined the information and can confirm no trees are affected and subsequently have no objections to the application being approved.</p>
Parish/Town Council	<p>Objection</p> <p>There was an objection to the proposed parking arrangements on the grounds that it is considered there are an inadequate number of spaces for the number of dwellings, the spaces are too narrow and there is no provision of EV parking spaces. Furthermore, given that the parking arrangements do not provide for adequate turning capacity and Shrublands Road is a busy thoroughfare, there is a concern that drivers would have difficulty exiting the carpark in forward gear. In addition, the</p>

	<p>new access road would change the street scene on Shrublands Road.</p> <p>There was also an objection on the grounds of Amenity Space. The proposed development lacks amenity space and therefore, is considered an overdevelopment of the site.</p> <p>CS12, SLP Appendix 3</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Prior to the use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 1545-BA-113 D in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.</p> <p>Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2) Existing Access - Closure Prior to the first use of the development hereby permitted the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the access(es) shown on drawing number 1545-BA-113 D only. Any other access(es) or egresses shall be permanently closed, and the footway / kerb / highway verge shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority in consultation with the highway authority. Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>3) Access Gates / Bollard / Chain - Configuration Prior to the first use of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 6 (may be</p>

reduced to 5.5) metres from the edge of the highway.

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

Highway Informatives

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

AN 1) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and 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, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN 2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments
The proposal is regarding amendments for the conversion of a building to seven self-contained flats at Abeegale House, 13 Shrublands Road, Berkhamsted. Shrublands Road is a 30 mph unclassified local access route that is highway maintainable at public expense. The proposal has changed from previous iterations to now have the access coming from Shrublands Road.

Vehicle Access
The existing site has an access off of Shrublands Avenue. This access is to be closed and a new access is proposed onto Shrublands Road. The new access is to be 7.2 metres to ensure that vehicles can enter the site safely. Although our dropped kerbs: terms and conditions only allows dropped kerbs up to 5.4 metres, in this instance HCC Highways feel that 7.2 metres (a double dropped kerb) would be acceptable owing to the sites number of parking spaces. This stipulation can be found within HCC Highways design guide. The access should normally be greater than 10 metres from the nearby junction. The proposed access is close to this number and it is not deemed unsafe for this location being slightly closer owing to classification and speed of Shrublands Road The new access must be constructed by a contractor who has been chosen by HCC Highways under a section 184 agreement - please see informative 1 above. Parking is a matter for the local planning authority and therefore any parking arrangements must be agreed by them. The applicant has mentioned in

	<p>emails the use of raising bollards, although not shown within the drawings, this is not deemed acceptable as it would not be greater than 5.5 metres from the highway network. Therefore, HCC Highways has placed condition 3 above to ensure that no raising bollards are placed at the entrance of the site.</p> <p>Drainage The proposed new driveways has made adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need be collected and disposed of on site.</p> <p>Refuse / Waste Collection Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle Access The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses'.</p> <p>Conclusion HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section 184 Agreement) and conditions.</p>
<p>Conservation & Design (DBC)</p>	<p>In relation to the revised plans; in my view the front elevation will now be enhanced under the current proposals and the alterations to the side elevation (new entrance door / porch and windows) are sympathetic to the existing character of 13 Shrublands Road.</p> <p>The only part I do have some reservations about is the proposed 1.8 metre high etched glazed screen to the first floor patio area - due to its visibility within the street scene. I don't know if there would be any alternatives to this, providing privacy screening is often awkward.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
11	6	0	6	0

Neighbour Responses

Address	Comments
<p>The Rowans 11 Shrublands Road Berkhamsted Hertfordshire HP4 3HY</p>	<p>Our concerns are with the addition of new windows overlooking our property. Despite being fixed and opaque, the light generated from the high traffic living areas will be intrusive. We also feel there are not enough parking spaces - we cannot see how you can practically squeeze in 9 spaces and also guidance is minimum 1.5 spaces per dwelling. With 7 apartments and 11 bedrooms we do not see the number spaces being practical. We have also have concerns with the increase in height of the roofs obstructing light onto our property on what is already in breach of policy and compounds the over development of the site. We feel there is not enough amenity space in what is already constrained with the current plans of 6 apartments. We would expect the large magnolia tree would remain to protect the environment.</p> <p>We continue to object on the grounds we have previously specified as we do not believe the matters raised previously have not been addressed. Below are our previous comments which remain our continued position - we are supportive of the existing approved plans.</p> <p>Our concerns are with the addition of new windows overlooking our property. Despite being fixed and opaque, the light generated from the high traffic living areas will be intrusive. We also feel there are not enough parking spaces - we cannot see how you can practically squeeze in 9 spaces and also guidance is minimum 1.5 spaces per dwelling. With 7 apartments and 11 bedrooms we do not see the number spaces being practical. We have also have concerns with the increase in height of the roofs obstructing light onto our property on what is already in breach of policy and compounds the over development of the site. We feel there is not enough amenity space in what is already constrained with the current plans of 6 apartments. We would expect the large magnolia tree would remain to protect the environment</p>
<p>Selattyn Shrublands Avenue Berkhamsted Hertfordshire HP4 3JH</p>	<p>I object to this planning application the following reasons:</p> <ul style="list-style-type: none"> - Insufficient parking provision for the planned 7 flats - 7 spaces for 7 flats is inadequate. This application would need 11 spaces which are not provided for by this plan - Inadequate space for usage of the car park. Given the actual space at the front of the property there appears to be insufficient turning space for access to the proposed 7 parking spaces. This needs to be scrutinised in detail as the access point is narrow. - As a consequence, there is a strong likelihood that this application will lead to overflow parking on Shrublands Road and Avenue which are already very busy and dangerous - Insufficient amenity space for the new residents - where is the green space, and drying space for 7 sets of residents? - Application will destroy established trees in the grounds - Excessive development - the building line is out of step and needs to be addressed, this property is not in keeping with the rest of Shrublands Road due to the rear extension which is out of character with the area.

	<p>- Dangerous access to the site for the increased residents' traffic, because the property is on the corner to a busy road. Why hasn't direct access from Shrublands Road to the parking spaces been proposed - removing the front wall and hedge? This may also increase the available parking space.</p>
<p>The Colt House 1 Shrublands Avenue Berkhamsted Hertfordshire HP4 3JH</p>	<p>We object to this plan Concern over privacy , a new balcony and additional windows will significantly overlook our property. There is insufficient parking spaces. With 7 apartments and 11 bedrooms we do not see the number spaces being practical. There is not enough amenity space for 7 apartments. Protected trees would need to be removed and have not ben acknowledge in the plan.</p>
<p>7 Shrublands Avenue Berkhamsted Hertfordshire HP4 3JH</p>	<p>I do not believe that there is enough parking provision for this development. It would appear that the parking plan is not a true representation of the size of the area and I would seriously doubt that there is room for 9 cars to park, let alone manoeuvre in to a space without the help of a crane!</p> <p>I would suggest that the applicant is asked to show that the proposed carpark is actually usable otherwise the residents of the flats will park on the, already, extremely busy Shrublands Road and Avenue, rather than try to squeeze into an impossible parking space, which will create further congestion on the roads and additional hazards when trying to cross, on foot, or pull out of/into the Shrublands Avenue/Road junction.</p>
<p>Stonycroft 9 Shrublands Road Berkhamsted Hertfordshire HP4 3HY</p>	<p>I write as a neighbour of 13 Shrublands Road. I am commenting on the revised plans of 1st December 2021.</p> <p>I continue to object to the plans on the following grounds:</p> <ol style="list-style-type: none"> 1 Overdevelopment in that 7 flats are proposed where 6 would be more proportionate. 2 Inadequate parking provision given the number of flats proposed. 3 The overlooking of no.11 (The Rowans) should be reviewed. 4 The entrance/egress of the car park proposed in Shrublands Road is too close to the corner; and would conflict with that for no.11 already given consent. <p>However I support the main pedestrian entrance being preserved fronting Shrublands Road as more appropriate in the conservation area.</p> <p>I write as a neighbour of 13 Shrublands Road. I am commenting on the revised plans of 1st December 2021.</p> <p>I continue to object to the plans on the following grounds:</p>

	1
22 Bridgewater Road Berkhamsted Hertfordshire HP4 1HN	<p>I write on behalf of the Berkhamsted Citizens Association Townscape Group of which I am a member. We would like to strongly object on the basis of 1 (Gross overdevelopment of the site with too great a density which would lead to a detrimental effect on the appearance and character of the Conservation Area. 2) There is a woeful lack of parking on the site and it does not comply with the current parking provision legislation. 3) The effect of this plan on the current onstreet parking would be detrimental to the area.</p> <p>The Association therefore urges refusal of this plan in the current format.</p>

Agenda Item 5b

ITEM NUMBER: 5b

21/04467/FUL	Redevelopment of the site to provide three detached dwellings	
Site Address:	The New Forge, Maple Farm, Shantock Lane, Bovington, Hertfordshire	
Applicant/Agent:	Mr G Terry	Mr Sam Dodd
Case Officer:	Daniel Terry	
Parish/Ward:	Bovington Parish Council	Bovington/Flaunden/Chipperfield
Referral to Committee:	1. Councillor Riddick has called-in the application 2. The Parish Council has provided a contrary view to the officer recommendation	

1. RECOMMENDATION

1.1 That planning permission be GRANTED

2. SUMMARY

2.1 The proposals have demonstrated that there would be no greater impact on Green Belt openness than the existing built form on site and the development is therefore acceptable in principle in accordance with policy CS5 of the Core Strategy and paragraphs 148 and 149 of the NPPF.

2.2 The proposals would be considered to cause harm in design and layout terms and in this regard would conflict in part with the adopted Design Guide and with policies CS11 and CS12 of the Core Strategy, however this harm needs to be considered in the overall planning balance.

2.3 The scheme has demonstrated that there would be no unreasonable impacts on neighbouring amenity and the proposal would be acceptable having regard to highway safety and parking provision. These are matters to be attributed neutral weight in decision making.

2.4 In applying paragraph 11 d) ii. of the NPPF, it is considered that the adverse harm does not significantly and demonstrably outweigh the benefits of the scheme and so should be supported. The benefits of the scheme include the provision of new housing in the absence of the Council being able to demonstrate a 5-year supply of housing and economic benefits from the construction of the development itself and subsequent occupation of the dwellings.

3. SITE DESCRIPTION

3.1 The application site lies on the southern side of Shantock Lane and approximately 175m east of Leyhill Road. The application form states the site is 0.4 hectares in size and contains a single dwelling, with the majority of the land otherwise being used as a sawmill and timber yard, which the previous application acknowledged has been in a B2/B8 use for at least the last 20 years.

3.2 The site is accessed from a private track shared with Maple Farm to the east and Game Farm to the south with the former being a dwellinghouse and the latter being a working farm with a number of buildings located to the south. An open field lies to the west which separates the application site from properties which front Leyhill Road.

3.3 The site lies within the Metropolitan Green Belt.

4. PROPOSAL

- 4.1 Full planning permission is sought for the demolition of all existing buildings on site and for the erection of 3 detached dwellings, each comprising of 3 bedrooms. The proposals would also involve the restoration of 1740sqm of the land back into a paddock/agricultural use.
- 4.2 The application follows a recent refusal for the construction of 5 dwellings.

5. PLANNING HISTORY

Planning Applications (If Any):

21/03283/FUL - Redevelopment of the site to provide 5 detached dwellings
Refused - 29th October 2021

The reasons for refusal were:

1. The proposal, by virtue of the scale, layout and intensification of the site, would fail to preserve the openness of the Green Belt. This Green Belt harm is attributed substantial weight and there are no apparent very special circumstances to outweigh this harm. As such the proposal is contrary to policy CS5 of the Core Strategy (2013) and contrary to the National Planning Policy Framework (2021).
2. The proposal, by virtue of the design, scale, layout and positioning of dwellings, would result in the undue urbanisation of the site which fails to respect the character and appearance of the site in the rural context. The proposal therefore fails to integrate with the character of the Borough and fails to provide a coherent pattern of development. The proposal is therefore contrary to policies CS11 and CS12 of the Core Strategy (2013) and contrary to the National Planning Policy Framework (2021).

Appeals (If Any): None

6. CONSTRAINTS

CIL Zone: CIL2
Green Belt: Policy: CS5
Heathrow Safeguarding Zone: LHR Wind Turbine
Parish: Bovingdon CP
RAF Halton and Chenies Zone: Red (10.7m)
Parking Standards: New Zone 3
EA Source Protection Zone: 2

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 (July 2021)
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
CS5 - Green Belt
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS25 - Landscape Character
CS29 - Sustainable Design and Construction

Policy 10 Optimising the Use of Urban Land
Policy 13 Planning Conditions and Planning Obligations
Policy 18 The Size of New Dwellings
Policy 21 Density of Residential Development
Policy 23 Replacement Dwellings in the Green Belt and the Rural Area (Limited Weight)
Policy 34 Other Land with Established Employment Generating Uses (Limited Weight)
Policy 51 Development and Transport Impacts
Policy 57 Provision and Management of Parking (Limited Weight)
Policy 58 Private Parking Provision (Limited Weight)
Policy 99 Preservation of Trees, Hedgerows and Woodlands (Limited Weight)
Policy 100 Tree and Woodland Planting (Limited Weight)
Policy 111 Height of Buildings

Supplementary Planning Guidance/Documents:

Dacorum Strategic Design Guide (2021)
Parking Standards SPD (2020)
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 impact on the openness of the Green Belt;
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 lies within the Metropolitan Green Belt wherein policy CS5 of the Core Strategy 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. This policy does however go on to state that small-scale development within the Green Belt will be permitted, inter alia, for the redevelopment of previously developed sites, provided that it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside.
- 9.3 The above is considered to be broadly consistent with the NPPF, which states in paragraph 149 that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt, however there are a list of exceptions to this which includes (g) the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, provided it would not have a greater impact on the openness of the Green Belt than the existing development.
- 9.4 The NPPF defines 'Previously Developed Land' at Annex 2 as:
- "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."*
- 9.5 The site is not located within a built-up settlement and therefore the existing dwelling on site would fall within the above definition. The previous application at this site accepted that, based on the Oxford Dictionary definition of 'forestry', the site is not within a forestry use, but instead was in a B2/B8 use, including the open storage taking place at the site. The site is therefore considered to be Previously Developed Land for Green Belt purposes.
- 9.6 The proposal could therefore be acceptable in principle, subject to it being demonstrated that the development would have no greater impact on the openness of the Green Belt. This is further discussed below in this report.
- 9.7 Policy CS17 of the Core Strategy sets out that the Council will expect to maintain a 5-year supply of housing and recognises that windfall sites such as this are an element of housing supply.
- 9.8 Policy CS15 of the Core Strategy applies a general presumption that existing B-Class uses will be retained in certain areas, which includes employment areas in the Green Belt. The sub-text to this policy explains that the Council will seek an overall zero net change in B2 and B8 uses over the plan period. The site makes a somewhat limited contribution in this regard as the existing site is understood to be owned and operated by a single family. Whilst acknowledging that a different B2/B8 use could lawfully occur here, realistically an application for planning permission would be required for any such change as it would likely require new buildings.
- 9.9 The potential loss of an existing B2/B8 use should be weighed against the overall net change across the Borough and regard should be had to sites that are likely to come

forward in the near future to offset this loss of existing B2/B8 space. This includes, for example, the nearby Bovingdon Brickworks site which is allocated in the emerging Local Plan under policy SP11 for the provision of around 8000sqm of B-Class floorspace, as an extension of the existing General Employment Area.

Impact on the Openness of the Green Belt

- 9.10 One measure of the impact on openness is to compare the existing and proposed built forms in floorspace and volume terms. Based on the submitted plans, it appears that the existing buildings on site have a footprint of around 464sqm, meanwhile the three proposed dwellings would have a combined footprint of around 387sqm. This therefore represents a decrease in footprint terms of around 77sqm.
- 9.11 Elevations of the existing buildings on site have not been provided and so it is not possible to make a comparison in volume terms, however it should be noted that there is also around 883sqm of the site which is currently being used for open storage of timber, which is considered to be harmful to the visual amenity of the area. In other words the removal of this open storage element and restoration of the land back to lawn/paddock, would be a recognised benefit to the Green Belt and open countryside character.
- 9.12 The previous application was refused on the grounds that the scheme was considered to be more harmful to the openness of the Green Belt than existing built form, by virtue of the quantity of built form, however this revised application proposes two less dwellings and fundamentally, includes a section to the west measuring around 1740sqm which would be restored to an agricultural use/paddock land. Therefore, whilst the previous application proposed around 657sqm of floorspace for five dwellings, this current application proposes 387sqm for three dwellings, a reduction of around 41% compared with the previous scheme. The LPA would need to impose a planning condition as part of any grant of permission to ensure this area is not used for domestic purposes or paraphernalia, as this may conflict with the purposes of restoring this land and in terms of the application being acceptable in principle. Moreover, the three dwellings would be located broadly on the site of existing buildings and this would also help to ensure there is no additional harm in visual terms. The proposals to demolish a number of buildings, including those currently sited farther west than the location of the proposed dwellings, would help to make an enhancement in visual terms, by moving existing development away from the open countryside.
- 9.13 As noted with the previous application, the use of the site as a lumber yard has been in use for at least 20 years and during this time there does not appear to be any objections in relation to noise, dust or other nuisance, nor does there appear to be any Planning Enforcement history. As such, the existing use of the site and any impacts on the local environment would appear to be lawful. It is not therefore considered that reasons such as noise and nuisance would in themselves carry a substantial amount of weight in decision making.
- 9.14 As with any scheme that involves Previously Developed Land, there are concerns that the provision of new dwellings would result in an intensification of the site, through increased vehicular movements and an increase in domestic paraphernalia. However this needs to be weighed against the harm that might otherwise occur, as this is an unrestricted site and could be subject to a high number of HGV movements without requiring consent. Similarly, although the existing enterprise appears to be family run, there is nothing in planning terms to prevent a more intensive use of this site. As such, this proposal to remove the B2/B8 use from the open countryside should be viewed as a potential benefit.

- 9.15 Following on from the above, it is likely that the land would need to be divided up through the use of boundary treatments such as fences, hedgerows etc. and this would need to be confirmed via a landscaping condition. Notwithstanding this, the residential areas, gardens, driveways etc. would be predominantly contained towards the front of the site and in the same location as existing buildings. It should also be noted that the applicant could currently erect fencing within the site, up to 2m in height. This is not therefore considered to result in significant harm on that basis.
- 9.16 Therefore, having regard to all of the above, it is considered that the proposal would result in no greater impact on Green Belt openness when compared with the existing use of the site, particularly taking account of the number of buildings that currently exist on site. The development is therefore acceptable and accords with paragraph 149 g) of the NPPF and in turn, complies with policy CS5 of the Core Strategy. To ensure the scheme is acceptable in principle, it is considered necessary to remove permitted development rights for extensions and outbuildings in this instance.
- 9.17 It is noted that Councillor Riddick has objected on the grounds that the proposals have not demonstrated that Very Special Circumstances (VSC) exist. However, as the development is acceptable in principle, it is not necessary to demonstrate that VSC exist. Should this be required, then it is clear that there would be an enhancement to the countryside in visual terms and the provision of 2 new additional dwellings would make a modest addition to the Borough's housing supply, a matter to be attributed significant weight in the absence of a 5-year housing supply. There would also be economic benefits from the construction of the development itself.

Quality of Design / Impact on Visual Amenity

- 9.18 Policies CS11 and CS12 of the Core Strategy state that development should respect the typical density intended in an area and enhance spaces between buildings and general character; preserve attractive streetscapes and enhance any positive linkages between character areas; avoid large areas dominated by car parking; retain important trees or replace them with suitable species if their loss is justified; plant trees and shrubs to help assimilate development and softly screen settlement edges; integrate with the streetscape character; and respect adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.
- 9.19 The Council's Conservation and Design Officer has been consulted on the application, as they previously commented on the larger 5-dwelling scheme that was refused. It should be noted however that the site is not within a Conservation Area and the site does not form part of the setting of a Listed Building. As such, the comments relate solely to the design aspects of the scheme.
- 9.20 Whilst there is no objection to the demolition of the existing buildings on site (including the dwelling), there are concerns that the layout of the proposed development doesn't relate well to the rural character of the area, creating a suburban cul-de-sac appearance. In this regard, it is noted that the re-orientation of the two nearest dwellings to create a frontage onto Shantock Lane would likely involve the removal of a significant amount of hedge and tree planting along the roadside edge. Instead, the current proposals would seek to retain and reuse an existing access thereby omitting the need to remove additional vegetation. Whilst also recognising that the proposals would result in an urbanisation of the site, the proposed hardsurfaced track through the middle of the site would largely follow the existing route through the middle of the site and to the left of the existing dwelling, albeit this area is not formally 'made-up' on site, it is nonetheless evident that this is the main route through the site.

- 9.21 Following on from the above, whilst recognising that there would be harm in visual terms, the proposals have sought to position the dwellings in the same location as the existing buildings on site, therefore attempting to reduce the wider landscape impacts of locating built form in the same, or very similar, position. This would be expected as part of any redevelopment scheme, unless there are clear advantages or disadvantages of locating built form elsewhere. However, the proposed location of the three dwellings would appear to be the most appropriate siting, being located towards the front of the site and near to the highway and existing track through the middle of the site.
- 9.22 The C&D Officer's comments suggest that the proposals fail to comply with local and national design guides. The Dacorum Strategic Design Guide was adopted in February 2021 and Section 1 of Part 2 refers to creating a distinctive place. This sets out that design should demonstrate a clear narrative of place that underpins and rationalises design decisions; demonstrate the use of the 'observing, evaluating and making a place' design process outline in Part 1 of the guide; demonstrate how spatial typologies have been interpreted and applied; and how local landscape (including but not limited to field patterns, tree species or hedgerows) has been interpreted and applied.
- 9.23 As already set out above, the proposed layout and location of built form is considered to be the most appropriate for this site, taking into account the existing vegetation which should ideally be retained. However it is agreed that the proposals would result in urbanisation of the site by dividing it up into three residential plots and the introduction of driveways, fencing etc. Similarly, it is agreed that the design of the new dwellings is somewhat pastiche, given the limited amount of differentiation between them and the fact that they would each comprise of relatively tall ridges, with a clearly urban appearance opposed to a rural appearance. Notwithstanding this, the applicant has attempted to give the buildings an appropriate rural appearance with the suggested use of black coloured timber boarding to the elevations. However, at this stage it is unclear exactly which materials would be used and so this would need to be conditioned.
- 9.24 As such, it is concluded that the proposal would result in some visual harm from the urbanisation of the site in design and layout terms. There is therefore conflict with the Design Guide, policies CS11 and CS12 of the Core Strategy and with the NPPF. This is a matter to be attributed moderate adverse weight in the overall planning balance.

Impact on Residential Amenity

- 9.25 Policy CS12 of the Core Strategy states that development should provide a safe and satisfactory means of access for all users; and avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.
- 9.26 Paragraph 130 of the NPPF adds that proposals should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.27 The previous application at this site considered the impact on Maple Farm to be negligible by virtue of the fact that the proposed dwellings are single storey and the two sites are separated by a highway. Furthermore, there is a significant amount of vegetation on the boundaries of both sites, meaning they are not necessarily 'read' together and therefore do not overlook one another. The proposed single storey buildings would also be located broadly on the same siting as existing buildings.
- 9.28 With regard to the living conditions of the occupiers of the development, there appears to be a reasonable outlook from windows serving habitable rooms and the garden depths and overall plot sizes would be considered sufficient in size for three-bedroom dwellings. The

garden depth to Plot 1 is 15m, Plot 2 is 17.1m and Plot 3 has a garden depth of 14.9m. It should also be noted that the properties would benefit from smaller front and side gardens too. Appropriate boundary treatments as part of any landscaping scheme would ensure that these gardens are sufficiently private.

- 9.29 The proposal is therefore considered to comply with policy CS12 of the Core Strategy insofar as residential amenity is concerned and complies with the guidance of the NPPF in this regard. This absence of harm is a matter to be attributed neutral weight in the overall planning balance.

Impact on Highway Safety and Parking

- 9.30 Policy CS12 of the Core Strategy and paragraph 110 of the NPPF require development to provide safe and suitable access for all users.
- 9.31 The Highway Authority have been consulted and note that the site currently benefits from a large bellmouth access onto a track leading from Shantock Lane. Based on the plans, the Highway Authority consider that vehicles can turn and exit the site in a forward gear. As such no objection is raised in terms of highway safety. Secondly, it has been noted that all parts of the development would be within 45 metres of the highway and so could be accessed by emergency vehicles. The applicant has also indicated via the submitted site plan that there would be a turning head at the front of the site for emergency vehicles.
- 9.32 With regard to parking, the Council's Parking Standards SPD (2020) indicates that dwellings in Zone 3 with 3 bedrooms and allocated parking should be provided with 2.25 parking spaces each. The submitted plans are not clear on where these spaces would be located, however the site plan does indicate a yellow shaded area assumed to be hardstanding at the front of each dwelling. Based on these plans it appears that 2 or 3 spaces could be provided to the front of each dwelling and as such, the LPA would have no concerns in relation to parking provision. It would have however been necessary to clarify this as part of a landscaping condition which has already been mentioned above in this report.
- 9.33 Similar to the above, the Parking Standards SPD requires all new dwellings to be provided with a minimum of one electric vehicle charging point per dwelling. This again would need to be secured by condition.
- 9.34 As such it is considered that the proposal would be acceptable in respect of highway safety and parking provision. The scheme demonstrates an absence of harm in this regard and so this matter should be attributed neutral weight in the overall planning balance.

Other Material Planning Considerations

- 9.35 With respect to trees, the Council's Trees and Woodlands Team have been consulted and initially queried whether there were appropriate tree protections in place. It was then clarified that the report submitted is the same as with the previous application, to which the Council's Tree Officer raised no objection. It was therefore confirmed via a second set of comments that there is no objection in relation to trees. Notwithstanding this, a landscaping scheme would need to be submitted and include the provision of at least one new tree per dwelling in order to comply with policy CS29 of the Core Strategy and this landscaping scheme should also show existing vegetation to be retained as has been suggested in the submission.

- 9.36 The Council's Environmental Health team have also commented on the potential for the site to comprise of contaminated land due to former land uses and indicates that this land would need to be remediated. Two conditions and an informative have therefore been suggested in this regard, which would appear to be appropriate given the site specific circumstances and to protect and safeguard the future use of the land by occupiers of the development. No objection has been raised in relation to noise or air quality grounds, although a number of planning informatives have been suggested.
- 9.37 Thames Water have commented and confirm that they have no objection, although they have suggested a number of planning informatives. Affinity Water were also consulted on the application and raise no objection, but have highlighted the need for the development to be water efficient, for example through rainwater harvesting and by limiting water consumption within dwellings, once occupied. Again, two planning informatives have been suggested.

Response to Neighbour Comments

- 9.38 No comments have been received from neighbours.
- 9.39 The Parish Council have objected on the grounds that the site is within the Green Belt and conflicts with policy CS5 of the Core Strategy and is contrary to the NPPF. The Green Belt openness section of the report above sets out that the development is acceptable in principle.

10. CONCLUSION

- 10.1 The Council cannot currently demonstrate a 5-year supply of housing and as such, in applying paragraph 11 of the NPPF, the housing policies of the Development Plan cannot be considered up-to-date for decision making purposes (see footnote 8 of the NPPF). Instead, it is appropriate to apply a tilted balance approach in accordance with paragraph 11 d) ii.
- 10.2 The proposals would result in the creation of 3 new dwellings (a net increase of 2). In the absence of a 5-year housing supply, this is a matter to be attributed significant weight in decision making. The economic benefits from the construction of the dwellings and occupation of the site is also a matter to be attributed significant weight.
- 10.3 The scheme would see the restoration of some of the land into agricultural/paddock land which is a recognised benefit in visual and spatial Green Belt terms. The proposals also involve the general tidying up of the site and on the whole, it is considered that the proposals represent an enhancement in visual terms. Notwithstanding these recognised benefits, there would also be some adverse harm from the resultant increase in population and the subsequent likely increase in vehicular movements and domestic paraphernalia. Therefore in weighing both the advantages and disadvantages of the scheme in Green Belt terms, it is considered that, on balance, there would be a negligible level of harm/benefit and importantly, no greater impact on Green Belt openness, and as such this matter should be attributed neutral weight in decision-making.
- 10.4 The report recognises that there would be harm in visual terms, caused in particular by the layout of the development, but also by virtue of the design and height of the proposed dwellings. This adverse harm should be attributed moderate weight in the overall planning balance.
- 10.5 The above assessment concludes that there would be no harm to neighbouring properties and the development would be acceptable having regard to highway safety and

parking provision. However these are not benefits of the scheme and instead demonstrate an absence of harm to which weight should be attributed neutrally. The same can be said for Environmental Health issues and the impact on trees.

- 10.6 Therefore, having regard to the above and in applying paragraph 11 of the NPPF, it is considered that the adverse harm would not significantly and demonstrably outweigh the potential benefits of the scheme and as such the application should be approved in accordance with the NPPF.

11. RECOMMENDATION

11. That planning permission 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. **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 and to comply with paragraphs 174 (e) and (f), 183 and 184 of the National Planning Policy Framework 2021.

3. **Any contamination, other than that reported by virtue of Condition 2 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 and to comply with paragraphs 174 (e) and (f), 183 and 184 of the National Planning Policy Framework (2021).

4. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

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

5. **No construction of the superstructure shall take place above slab level until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**
 - all external hard surfaces within the site;
 - other surfacing materials;
 - means of enclosure;
 - soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
 - minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and

The hardsurfaced areas shall be constructed prior to occupation of any dwelling. The planting must be carried out within one planting season of completing the development.

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

6. **The area marked on drawing no. SL PA 01 Rev C shall be returned to an agricultural or paddock use prior to occupation of any dwelling. This land shall thereafter be retained in this use and shall not be used for any residential purposes, including the sitting out or provision of domestic paraphernalia.**

Reason: To preserve the openness of the Green Belt and to make the development acceptable in accordance with policy CS5 of the Core Strategy and paragraphs 148 and 149 of the National Planning Policy Framework.

7. **Prior to occupation of the development hereby approved, full details of the layout and siting of dedicated parking spaces to each dwelling measuring no less than 2.4m by 4.8m and details of the Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

8. **Prior to occupation of any dwelling, all existing structures and timber/open storage located on site as shown on drawing no. SL PA 01 Rev C shall be removed from the site in full.**

Reason: To ensure satisfactory appearance to the development and to safeguard the openness and visual character of the area in accordance with Policies CS5, CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

9. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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:**

Classes A, B, C and E of Part 1, Schedule 2.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with policies CS5 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraphs 130, 148 and 149 of the National Planning Policy Framework (2021).

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

**SL PA 01 Rev C;
SL PA 02 Rev B;
SL PA 03 Rev B;
SL PA 04 Rev B;
SL PA 05 Rev B.**

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. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
3. Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
4. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
5. Guidance on how to assess and manage the risks from land contamination can be found here: <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
6. Noise and Working Hours Informative: Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

Where permission is sought for works to be carried out outside the hours stated in the above condition, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

7. Waste Management Informative:

Under no circumstances should waste produced from construction or demolition work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately. These details should be included in the CMP/DMP referred to in the above condition.

8. Air Quality Informative:

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development to support sustainable travel and air quality improvements and for these measures to be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph) 35 "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision across the development is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking we are not talking about physical charging points in all units but the capacity to install one. In addition, mitigation as listed below should be incorporated into the scheme:

All gas fired boilers to meet a minimum standard of 40 mgNO_x/Kwh or consideration of alternative heat sources.

9. Invasive and Injurious Weeds - Informative:

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at: <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

10. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

11. Affinity Water:

The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (CHOR). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

12. Water efficiency:

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

The infrastructure connections and diversions:

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Bovingdon Parish Council	Object - Greenbelt, Contrary to policy CS5 of the Core Strategy (2013) and contrary to the National Planning Policy Framework (2021).
Councillor Riddick	<p>I understand from the latest list of Planning Applications received, that you have been allocated the above application for the proposed development of 3 Houses within the Green Belt.</p> <p>Having looked at the plans and documents lodged on our website, I would comment as follows:</p> <ol style="list-style-type: none"> 1) There are no Special Circumstances. 2) A previous application (21/03283/FUL) for 5 houses was REFUSED for the following reasons: <ul style="list-style-type: none"> • Failed to preserve openness of Green Belt. • Urbanisation which fails to respect the character and appearance of the site in the rural context. <p>Fundamentally, nothing has changed.</p> <p>If, after the consultation period you are minded to REFUSE, then please proceed to deal with accordingly under Delegated Powers. If, however, you are not so minded, then I must request the application is submitted to the DMC Committee for deliberation.</p> <p>Please keep me advised as to how this application will be dealt with.</p> <p>Councillor Stewart Riddick (MAYOR)</p>
Affinity Water - Three Valleys Water PLC	<p>Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.</p> <p><u>Water Quality</u></p> <p>You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (CHOR). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.</p> <p>The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.</p> <p>Any works involving excavations below the chalk groundwater table (for</p>

	<p>example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.</p> <p>For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".</p> <p><u>Water efficiency</u></p> <p>Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.</p> <p><u>The infrastructure connections and diversions</u></p> <p>There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (https://affinitywater.custhelp.com/) or aw_developerservices@custhelp.com.</p> <p>In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (https://affinitywater.custhelp.com/) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.</p> <p>Thank you for your consideration</p>
Thames Water	<p>WASTE:</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a</p>

strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

WATER:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

<p>Trees & Woodlands</p>	<p><u>2nd December 2021:</u></p> <p>The information submitted indicates there are trees in close proximity to the proposed building which maybe detrimentally affected. Although a tree survey has been submitted this does not demonstrate appropriate protection methods. In order to ensure they are afforded appropriate protection I require the applicant to submit further information in the form of a tree protection plan, as described in BS 5837:2012 Trees in relation to design, demolition and construction.</p> <p><u>21st December 2021:</u></p> <p>Thanks for the information. This application is the same footprint as the 5 house application but only 3 houses are included. I would presume a future application will address the further 2 houses not in this application.</p> <p>I am of a similar opinion as the original 5 house application that encroachment is very minimal and therefore unlikely to detrimentally impact on trees. Consequently, I have no further concerns.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>AN 2) Obstruction of highway: 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</p>

partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

The proposal is for the redevelopment of the site to provide three detached dwellings at The New Forge, Maple Farm, Shantock Lane, Bovingdon. Shantock Lane is 60 mph unclassified local access route that is highway maintainable at public expense.

Vehicle Access

The site has an existing large bell mouth onto Shantock Lane. The proposal is to use the existing side access on the private route to access the proposed dwellings. All vehicles are considered to be able to enter and exit the site in forward gear. Parking is a matter for the local planning authority and therefore any parking arrangements must be agreed by them.

Drainage

The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing and the new driveway would need to be collected and disposed of on site.

Refuse ./ Waste Collection

Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.

Emergency Vehicle Access

The proposed dwelling is within the recommended emergency vehicle

	<p>access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses'. The applicant has now provided a turn area for large fire appliances as illustrated in drawing number SL PA 01 C.</p> <p>Conclusion HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives.</p>
<p>Environmental And Community Protection (DBC)</p>	<p><u>17th December 2021:</u> Apologies for the delay in responding to the above. Following receipt of consultation, we have no wish to apply formal conditions on the development however ask the below informative comments to be added to the decision notice for guidance.</p> <p>Noise and Working Hours Informative Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>Where permission is sought for works to be carried out outside the hours stated in the above condition, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p>Waste Management Informative Under no circumstances should waste produced from construction or demolition work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately. These details should be included in the CMP/DMP referred to in the above condition.</p> <p>Air Quality Informative. As an authority we are looking for all development to support</p>

sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development to support sustainable travel and air quality improvements and for these measures to be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph) 35 "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision across the development is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking we are not talking about physical charging points in all units but the capacity to install one. In addition, mitigation as listed below should be incorporated into the scheme:

All gas fired boilers to meet a minimum standard of 40 mgNO_x/Kwh or consideration of alternative heat sources.

Invasive and Injurious Weeds - Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

16th December 2021:

Having reviewed the documents submitted in support of the above planning application I am able to confirm that there are no objections to the proposed development based on land contamination issues.

However, because the proposed development for is new dwellings on a site that has a commercial land use history, it will be necessary for the applicant to demonstrate that the potential for land contamination has

appropriately assessed.

As such the following planning conditions should be included if permission is granted.

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

	<p>with Core Strategy (2013) Policy CS32.</p> <p>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.</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>Informative: The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</p>
<p>Conservation & Design (DBC)</p>	<p>The planning officer should decide if the proposal would be acceptable in principle.</p> <p>The site appears to be that of a post war saw mill. There is currently one dwelling on the site it is not of any particular architectural merit and as such we would not object to its demolition.</p> <p>We would object and recommend refusal for the proposed housing scheme. The proposal layout fails to respect and respond to the character of the area. It would be recommended that 2 of the dwellings face to Shantock Lane to ensure that it relates to the character of the area where there are small spread out clusters of housing. Any housing should be a red/ orange brick and a clay tiled roof to reflect the general character of the borough. It may also be advantageous to add chimneys to the development. It may also be useful to add some variation to the design. This would allow it to better conform to the national design guide.</p> <p>It may be useful, if this does have support in principle from a planning point of view, that the application be withdrawn and then the site reassessed against the national design guide and Dacorum Strategic</p>

	<p>Design Guide. Hopefully then a scheme then more in keeping with the character of the borough could be brought forward.</p> <p>Recommendation: At present we would object and recommend refusal as the proposals would be detrimental to the character of the area. This is contrary to both policy and guidance.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
10	0	0	0	0

Neighbour Responses

Address	Comments

ITEM NUMBER: 5c

21/02925/FUL	Change of use from Sui Generis to C3 residential. Construction of two pairs of semi detached dwellings comprising two four bedroom properties and two three bedroom properties.	
Site Address:	Land To R/O Wigginton Garage, Chesham Road, Wigginton, Hertfordshire, HP23 6EJ	
Applicant/Agent:	Mrs. Stella Potter	Rachel Wakelin
Case Officer:	Colin Lecart	
Parish/Ward:	Wigginton Parish Council	Aldbury & Wigginton
Referral to Committee:	Objection received from parish council	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 The application is considered to constitute limited infilling within a village and is therefore an appropriate form of development within the Green Belt. It would also not have a significant impact on the character and appearance of the surrounding area, the Chiltern Hills AONB, residential amenity or the safety and operation of the highway. A number of trees would be removed but these are all category C and U to which the tree officer had no objection to. The landscaping plans would ensure the development maintains a soft appearance and integrates with existing landscaping along the lane.

3. SITE DESCRIPTION

3.1 The application site comprises a former coach yard accessed from a lane known as 'The Bit' with some outbuildings located to the rear of number 5 Chesham Road. Number 5 Chesham Road comprises a former dwelling which was used as an office for the business and has now received planning (21/02912/FUL) permission for its extension and conversion into a residential dwelling.

3.2 The site is located within the village of Wigginton as well as the Green Belt and Chiltern Hills AONB. Dwelling types vary within the surrounding area within contrasting styles found on Chesham Road, The Bit and Field way. The site is set back from The Bit with existing landscaping defining its frontage.

4. PROPOSAL

4.1 The application seeks planning permission for a change of use from Sui Generis to C3 residential and the construction of two pairs of semi detached dwellings comprising two four bedroom properties and two three bedroom properties.

5. PLANNING HISTORY

Planning Applications:

21/02912/FUL - Change of use of the existing property from Sui Generis (garage and coach hire business) to residential. Demolition of large coach repair workshop to the rear and two storey side and rear extension.

GRA - 21st October 2021

4/00034/14/RET - Construction of fencing and gates
GRA - 18th February 2014

6. CONSTRAINTS

Area of Outstanding Natural Beauty: CAONB outside Dacorum
CIL Zone: CIL1
Former Land Use (Risk Zone):
Green Belt: Policy: CS5
Parish: Wigginton CP
RAF Halton and Chenies Zone: Red (10.7m)
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
Small Village: 4
Parking Standards: New Zone 3
EA Source Protection Zone: 3

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 (2021)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Dacorum Core Strategy (2013)

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – The Green Belt
CS6 – Small Villages within the Green Belt
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 – New Housing
CS24 – Chiltern Hills of Outstanding Natural Beauty
CS29 - Sustainability
CS32 – Air, Soil and Water Quality
CS35 – Developer Contributions

Local Plan (2004):

Policy 18 – The Size of New Dwellings
Policy 21 – Density of Residential Development

Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 97 – Chilterns Area of Outstanding Natural Beauty
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Saved Appendix 3 – Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
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 in terms of the Green Belt;
- The quality of design and impact on visual amenity and the AONB;
- The impact on residential amenity; and
- The impact on highway safety and car parking.
- Other material planning considerations (Trees and Landscaping, Landscaping, Ecology, Contamination etc).

Principle of Development

9.2 Paragraph 145 of the NPPF (2019) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, a number of exceptions to this are listed, one of which being limited infilling in villages.

9.3 The application site is located within a Selected Small Village within the Green Belt where Policy CS6 of the Core Strategy (2013) states that limited infilling with affordable housing for local people will be permitted in selected small villages in the Green Belt, including Potten End and the application site.

9.4 The preamble to Policy CS6 states that infilling is defined as a form of development whereby buildings are proposed or constructed within a gap along a clearly identifiable built up frontage or within a group of buildings. The term 'limited' refers to development which does not create more than two extra dwellings. In this context the development does not fill a gap along a clearly identifiable frontage along The Bit and the quantum of development proposed exceeds two units.

9.5 However, it is noted that site does represent a gap between larger groupings of buildings in all directions, as it is located within the established village boundary.

9.6 In an appeal decision (APP/A1910/W/20/3251407) at 38 Rambling Way, Potten End, the inspector noted that the wording of Policy CS6 was more restrictive than the NPPF. However, as the Core Strategy predated the NPPF (2019) (now 2021), it was considered that more weight should be given to the Framework. When taking into account the less restrictive wording of the NPPF, the inspector considered that the development could be considered infilling as the site was bounded by development along Rambling Way and the Laurels, even though the site did not specifically form a gap in a built up frontage along a road, much like this site.

9.6 The site for this application is bounded on all sides by dwellings that front onto The Bit to the north, dwellings fronting onto Chesham Road to the east and those located on Field End Close to the west. Two residential properties are also located to the rear of the site to the south. With the above in mind, it is considered that the application can be considered to be infilling when taking into account the surrounding built form immediately adjacent the site and its location within a built up village.

9.7 The NPPF also does not specify a particular number of units in its definition of infilling. The application proposes 4 units which is above the 2 specified by Policy CS6. However, it is noted that at 38 Rambling Way mentioned above, 5 dwellings have now been approved under limited infilling. It is also noted that five dwellings have been granted on appeal at The Spice Village in Chipperfield under decision APP/A1910/W/19/3231097. From both these decisions it appears that an assessment on what is considered 'limited' has not been attached to a specific number of dwellings, but their resultant impact on character of the surrounding area with regards to its scale and massing.

9.8 It is considered that when the scheme is compared to its surrounding context, in terms of the built up form along The Bit, Field End Close and Chesham Road, it can be considered limited. The general form, scale and massing of the dwellings which would also be set back from The Bit would not be of a density which have a significant impact in terms of its assimilation with the pattern of development in the immediate area. In this sense, it is considered that the development is limited in nature.

9.9 With regards to the above, it is considered that the development constitutes limited infilling within the Green Belt and is therefore an appropriate form of development within this area.

Impact on Character of Area and Chiltern Hills AONB.

9.10 Policies CS11 and CS12 of the Core Strategy states that on each site, development should integrate with the streetscape character and not result in a detrimental impact on the character and appearance of the surrounding area. Policy CS6 also states development within small village shall be sympathetic to its surroundings, including the adjoining countryside.

9.11 Policy CS24 of the Core Strategy state that the special qualities of the Chiltern Hills AONB shall be conserved. Policy 97 of the Local Plan (2004) states that any development proposal which would seriously detract from the beauty of the area will be refused.

9.12 The dwellings would not be prominently perceived from either Chesham Road or Field End Close. At most, the roofs would potentially be seen from some positions but these would not appear out of context given the built up nature of the area. The proposed dwellings would mainly be perceived from The Bit.

9.13 The density of the development would be approximately 18 dwellings per hectare and therefore broadly consistent with low density development that would typically be found in a semi-rural setting such as a village. Furthermore, when taking into account the variety in design, form and layout of properties found in the area, it is considered the development would be consistent with the pattern of development already found in the area. The development would be set back from The Bit and positioned to the rear of properties along Chesham Road. However, the two existing properties off Field Lane (to the south of the site) and the properties accessed off Wick Road further to the south are also aligned in this manner. The dwellings would there make use of a previously developed site while remaining sympathetic to the general pattern of development in the surrounding area.

9.14 The dwellings would measure approximately 8.8m in height and would be set back from The Bit by approximately 17-20m. As such, it is not considered that the dwellings would appear out of context with the scale of the other dwellings along The Bit. The submitted site section plan shows that the dwellings are of a height similar to nearby dwellings. The dwellings would not be prominent

when travelling up and down The Bit due to the set back and landscaped boundaries (Existing and proposed landscaping). They would mainly be perceived from directly outside the access.

9.15 The dwellings would be arranged as semi-detached pairs with spacing between them to appear sympathetic to the dwellings across the lane. Units 3 and 4 would be staggered slightly behind the build line of units 1 and 2 but this is not considered to be detrimental when taking into account the overall set back within the plot combined with newly introduced soft landscaping.

9.16 Both pairs of properties would have a symmetrical emphasis with moderately sized gabled front projections which would create depth and visual interest on the front elevations. They would also feature chimney stacks, brick headers and canopies to create architectural interest while retaining a pleasant symmetrical form. The garages would be moderately sized and would be positioned in a way where they would not be prominent from the road.

9.17 With regards to the Chiltern Hills AONB, the site is not greatly perceived from any long range views. As stated, it would mainly be perceived from standing in front of the access where the main context in terms of landscape would be the village setting. Within this built up setting, the proposed design and form of the development would integrate with the surrounding area. The nearest area of open countryside to the site would be that which is located to the east. However, from here, existing development along Chesham Road would screen the site. Therefore, it is considered the development would not have a wide ranging landscape impact in terms of the special qualities of the Chiltern Hills AONB and generally be sympathetic to the surrounding context.

9.18 As a result, it is considered the application complies with Policies CS11, CS12 and CS24 of the Core Strategy, as well as Policy 97 of the Local Plan and would not result in detrimental impacts to the character and appearance of the surrounding area or the special qualities of the Chiltern Hills AONB.

Impact on Residential Amenity

9.19 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.20 The proposed dwellings would be sited approximately 26m to the nearest dwelling on Field End Close and approximately 29m to the nearest property along Chesham Road, with intervening vegetation along the boundaries. They would also be positioned a significant distance away from the existing properties along The Bit. Therefore, it is considered that the proposal would not have a detrimental impact on the residential amenity of these properties.

9.21 The nearest property to the development would be Fieldfare, located to the rear of the site. Saved Appendix 3 of the Local Plan (2004) does not contain any separation distance guidance in terms of a rear to side relationship such as that which would exist between the development and Fieldfare. However, units 1 and 2 would be positioned approximately 21m away from Fieldfare with units 3 and 4 being positioned approximately 16m away with the existing boundary trees being retained on this side of the site.

9.22 The proposed dwelling's would also all be positioned greater than 11.5m from the boundary with Fieldfare. When taking into account the 11.5m garden depth requirement under Saved Appendix 3, this would be a distance from the boundary which is regularly seen in built up areas of the Borough.

9.23 Therefore due to the distance of the proposed dwellings from Fieldware, combined with existing and proposed landscaping, it is considered that the development would not have an adverse impact

on the residential amenity of Fieldfare, or any of the other surrounding properties in terms of loss of light, outlook or privacy.

9.24 All of the dwellings would have acceptably sized private gardens and acceptable levels of internal space. They would receive adequate sunlight/daylight and have acceptable levels of outlook.

Impact on Highway Safety and Parking

9.25 A transport assessment has been submitted in support of the proposal and finds that when comparing the sites existing (commercial use) to the proposed use, it is clear that the development proposal would result in a decrease of daily vehicular traffic from the site that would use the lane. The existing access from The Bit will be used to access the development.

9.26 Hertfordshire Highways have been consulted on the proposal and have not raised any objections, noting that the existing access is to be used, vehicular movements for the residential use would be lower than the previous commercial use, and that a fire appliance could enter and exit the site in a safe manner. A Construction Management Plan will be secured by condition should the application be granted. Adoption of the Bit by Hertfordshire Highways would be a matter separate from this planning application for the Highway Authority to consider.

9.27 It is accepted that the commercial use is no longer in operation. However, it is not considered unreasonable to base an assessment of the transport movements on the last known previous use that the site can legally be used for. It is also considered that the principle of a commercial use on site, depending on the individual operation, has been historically established. Concerns have been raised that the coaches have better visibility than ordinary vehicles due to their height. However, as stated above, the overall volume of vehicular movements from the site would be greater for the commercial use than the proposed use. While it is accepted ordinary vehicles would be of a lower height, a commercial use on site not necessarily involving coaches could in theory still occur. Furthermore the Highway Authority has not raised any safety concerns with regards to the access onto The Bit or the access from The Bit onto Chesham Road. The Bit is presently used by a number of existing properties for access.

9.28 with respect to parking, the scheme has now been amended to introduce additional parking and has also reduced the bedroom size of two of the units to 3 bedrooms. Therefore, the development comprises two 4 bedroom units and two 3 bedroom units whereby the parking requirement would be 10.5 spaces under the Parking Standards SPD (2020). The development would provide 11 spaces. It is noted that 4 of these would be located within garages. However, the dimensions of the garages meet the requirements of the Parking Standards SPD and therefore can be considered functional parking spaces in terms of this assessment.

9.29 The parking allocation shows that each 3 bedroom unit would have 2 spaces and each 4 bedroom unit would have 3 spaces. There would be an additional space for visitors. It is also considered that further visitors could potential park directly outside unit 3 if required. It is noted that some of the parking would be tandem parking spaces. The SPD states that this may be appropriate for spaces on-plot within the curtilage of the dwelling or commercial property if for use by the same property/dwelling and if an additional vehicle parking on the highway would not have unacceptable consequences.

9.30 Each tandem space is paired with another space serving the same unit. As also stated, the garages are of dimensions which meet the requirements of the SPD to be considered parking spaces. Therefore, this is considered acceptable. A condition will state that the garages are to be retained as car parking spaces and not to be converted into other uses.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.31 A number of trees and tree groupings will be removed to facilitate the development as well as for arboricultural reasons (poor quality). All of these trees are category C or U and the tree officer has confirmed that they agree with the assessment of these. As such, the tree officer has no objection to the removal of the trees indicated as well as the proposed landscaping plan.

9.32 8 new trees are proposed within the site as well as a number of new hedges and planting beds. Whilst tree coverage at the front of the site will be reduced compared to the existing situation, it is considered that the planting proposals would effectively soften the development and it would not appear dissimilar to the landscaping arrangements for the existing properties along The Bit. It is therefore considered the landscaping plan is acceptable and would retain an acceptable verdant nature to the front of the site as well as within it.

9.33 It is also noted that none of the trees within the site are protected and so planning permission for their removal would not be required.

Ecology

9.34 Hertfordshire Ecology have not provided comment on the proposal.

9.35 An ecology report comprising and preliminary ecological appraisal, preliminary bat appraisal, and bat emergence survey has been submitted.

9.36 The report notes that no protected species will be harmed as a result of the proposal, due the low likelihood of their presence on site.

9.37 The bat reports showed that the garage building had a negligible impact for roosting bats, with the existing office building have a low potential. As per guidelines, a single emergence survey was conducted with respect to the office building and emerging bats were recorded from the existing building to the front.

9.38 It is noted that the Ecology report is the same as that submitted for planning permission 21/02912/FUL for the conversion of the former office building to a dwelling. On this application the planning officer engaged with one of the ecology officers informally and the ecology officer considered the report acceptable and confirmed that the single emergence survey conducted was in line with accepted guidance. No further survey work were considered necessary. The report for that application is the same one which has been submitted for this application. Therefore, it has previously been confirmed by the ecology officer that they consider the report acceptable and that protected species do not form a constraint to the proposal.

Contamination

9.39 The scientific officer has been consulted on the application and has recommended a number of conditions relating to the submission of Environmental Risk Assessments prior to the commencement of development.

Flood Risk

9.40 The site is located in Flood Zone 1 and so is at low risk of surface water flooding. Therefore it is considered flood risk does not form a specific constraint to development in this location.

Community Infrastructure Levy (CIL)

9.41 The application is CIL liable.

10. CONCLUSION

10.1 The application is considered to constitute limited infilling within a village and is therefore an appropriate form of development within the Green Belt. The development would not have a significant impact on the character and appearance of the surrounding area, the Chiltern Hills AONB, residential amenity or the safety and operation of the highway. A number of trees would be removed but these are all category C and U to which the tree officer had no objection to. The landscaping plans would ensure the development maintains a soft appearance and integrates with existing landscaping along the lane.

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

TGCR/21/PL01C
TGCR/21/PL02A
TGCR/21/PL03
TGCR/21/PL04A
TGCR/21/PL05
LP/WGTBWH/020B

**Landscaping Statement (Davide Clarke Chartered Landscape Architect and Consultant Arboriculturist) (Submitted 27.01.22)
CS29 Checklist (July 2021)**

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

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the 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).

4. **Tree protection measures before and during the construction phases of the development shall be implemented and carried out in accordance with Tree Protection Plan TPP/WGTBWH/010A and the submitted Arboricultural Method Statement (David Clarke Chartered Landscape Architect and Consultant Arboriculturist - July 2021).**

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 174 of the National Planning Policy Framework (2021).

5. **The landscaping works shown on drawing LPWGTBWH/020B and detailed within the submitted Landscape Statement (David Clarke Chartered Landscape Architect and Consultant Arboriculturist - submitted January 2022) 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).

6. **No development shall commence until a Construction Management Plan (or Construction Method Statement)* has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan:**

The Construction Management Plan / Statement shall include details of:

- a. **Construction vehicle numbers, type, routing;**
- b. **Access arrangements to the site;**
- c. **Traffic management requirements**
- d. **Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- e. **Siting and details of wheel washing facilities;**
- f. **Cleaning of site entrances, site tracks and the adjacent public highway;**
- g. **Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
- h. **Provision of sufficient on-site parking prior to commencement of construction activities;**

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 51 and 54 of the Dacorum Borough Local Plan (2004) and Policy CS8 of the Dacorum Borough Core Strategy (2013).

7. **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.

- 8. Any contamination, other than that reported by virtue of Condition 7 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.

- 9. Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be**

submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

10. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings and they shall not be converted or adapted to form living accommodation without the express permission of the local planning authority following the submission of a planning application.**

Reason: In order to ensure a satisfactory level of off-street parking and to protect highway safety and the amenity of other users of the public highway, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013), Paragraphs 108 and 110 of the National Planning Policy Framework (2019) and the Dacorum Borough Parking Standards Supplementary Parking Document (2020).

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.
2. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
3. 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
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Parish/Town Council	<p>OPPOSE - Not enough parking for 2 x 4 bed houses, Number of cars therefore increased use of The Bit which is an Unadopted road and already showing signs of wear, the coaches that used to come out actually had much better vision to exit the road which has hedges and often parked cars at the end so tricky to see what's coming, residents currently use the entrance as a turning circle which is essential to avoid needing to back out of the road onto Chesham Road. This raises further discussion as to how to get the road adopted and what implications this would have on the residents.</p>
Environmental And Community Protection (DBC)	<p>No objection on noise or air quality grounds.</p> <p>11.08.2021 (scientific officer):</p> <p>Having reviewed both the planning applications I am able to confirm that there is no objection to the proposed developments, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed developments has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the application sites are on land which have been previously developed and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that the following planning conditions should be included on both applications if permission is granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(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.</p> <p>(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:</p>

- (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; 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.

	<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 and I would be grateful if this fact could be passed on to the developers.</p>
<p>Affinity Water - Three Valleys Water PLC</p>	<p>Dear Sir/Madam,</p> <p>Thank you for forwarding this application. We have reviewed the development and do not have any comments to make.</p> <p>Kind regards,</p> <p>Dylan Natrass</p>
<p>Thames Water</p>	<p>Waste Comments</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a</p>

strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

<p>Hertfordshire Highways (HCC)</p>	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Construction Management Plan / Statement No development shall commence until a Construction Management Plan (or Construction Method Statement)* has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:</p> <ul style="list-style-type: none"> a. Construction vehicle numbers, type, routing; b. Access arrangements to the site; c. Traffic management requirements d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); e. Siting and details of wheel washing facilities; f. Cleaning of site entrances, site tracks and the adjacent public highway; g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times; h. Provision of sufficient on-site parking prior to commencement of construction activities; <p>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).</p> <p>Highway Informatives HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out</p>
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in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is

available by telephoning 0300 1234047.

Comments

The proposal is for the change of use from Sui Generis to C3 residential. Construction of two pairs of semi detached dwellings comprising four x four bed houses on Land To R/O Cloudhill 5 Red Cottages, Chesham Road, Wigginton. The site was previously operated by a coach company where they had a repair shop on the proposed site. The site is not accessed directly from the adopted highway network and is instead accessed via The Bit. The Bit is not part of the adopted highway network and is a narrow single lane route that joins the highway network via an existing bellmouth junction onto Chesham Road.

Vehicle Access

The application is proposing to use the existing access both from The Bit and Chesham Road and therefore for this application no highway works are required. We would recommend that the access from The Bit is built to standards stipulated in Hertfordshire County Councils Design Guide. The Bit already provides access to 11 dwellings and previously accommodated the movement of large coaches. The increase in vehicle movements for the 4 dwellings are not considered to greatly impact The Bit or Chesham road in relation to the previous movement of large coaches and other operative vehicles. The 4 dwellings are deemed to lower the intensification of the previous use of the site.

Construction Management Plan

A construction management plan is required for the site to ensure that during demolition and construction works the narrow width route of The Bit is not greatly disrupted or blocked for the residents.

Refuse / Waste Collection

Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.

	<p>Emergency Vehicle Access drawing No. 20174 / TK02 Rev B illustrates a large refuse vehicle measuring 10.0-metres in length and 2.5-metres in width can enter and exit The Bit initially in reverse then forward gear which would also enable a large fire appliance to manoeuvre on site which is deemed acceptable and safe.</p> <p>Conclusion HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives and condition.</p>
Trees & Woodlands	<p>Most of the trees on this site are round the edges and I think this reflects its previous use whereby the owners screened views of parked coaches with some planting. I agree with the tree ratings provided in the Arboricultural report and don't consider any of the trees of 'TPO' quality. However those that are to be retained will provide a mature backdrop for the development. A tree protection plan has been provided but while it mentions protective fencing it doesn't actually show where it is to be placed and so the plan need amending accordingly. The current proposal will result in tree loss and a dramatic change of view for some properties in The Bit however there is no right to a view or a screen. The landscape plan is adequate and together with planting that tends to happen over forthcoming years of most developments, should mature and soften the development.</p> <p>27.01.2022:</p> <p>It seems the report has covered the demolition of the building in section 13.1 with respect to T1 which is in accordance with current best practice. There maybe slight root disturbance during the process of removing the concrete slab but any root system will be minimal and this shouldn't be particularly damaging. No structure or covering is proposed to replace this slab so it may actually benefit the T1 long-term with increased water supply and nutrients to this area. I have no concerns regarding the demolition/slab removal.</p>
Parish/Town Council	<p>Objection due to restricted parking on site. This development would be acceptable if number of parking spaces would be adequate to the size of the property and parking spaces were on individual plots. The</p>

	suggestion is to adjust parking and make more space for parking on the plots to avoid parking on the road.
Thames Water	Please note that Thames Water have provided a formal response for the above application on the 02/08/2021.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
31	5	0	4	0

Neighbour Responses

Address	Comments
Brew Cottage The Bit Wigginton Tring Hertfordshire HP23 6EQ	<p>The reasons for my objection are:</p> <ul style="list-style-type: none"> *My understanding The Bit is an unadopted road and therefore querying right of access to development via The Bit? *The impact of heavy duty vehicles using The Bit during the construction of proposed development and additional cars as result of development and responsibility for making good and ongoing maintenance of The Bit *Requirement for ongoing use of turning point for residents of The Bit at entrance to planned development . Safety risks of reversing down The Bit and onto Chesham Rd if this turning point is not available as exiting The Bit onto Chesham Rd is a safety hazard due to parked vehicles on Chesham Rd either side of The Bit *Lack of adequate provision for car parking on proposed development area will exacerbate safety risks by increasing traffic using The Bit and potentially compromise ability for existing residents of The Bit to use entrance to development as a turning point. <p>For these reasons, any increase in traffic is undesirable</p> <p>The reasons for my objection are:</p> <ul style="list-style-type: none"> *My understanding The Bit is an unadopted road and therefore querying right of access to development via The Bit? *The impact of heavy duty vehicles using The Bit during the construction of proposed development and additional cars as result of development and responsibility for making good and ongoing maintenance of The Bit *Requirement for ongoing use of turning point for residents of The Bit at entrance to planned development . Safety risks of reversing down The Bit and onto Chesham Rd if this turning point is not available as exiting The Bit onto Chesham Rd is a safety hazard due to parked vehicles on Chesham Rd either side of The Bit *Lack of adequate provision for car parking on proposed development area will exacerbate safety risks by increasing traffic using The Bit and potentially compromise ability for existing residents of The Bit to use

	<p>entrance to development as a turning point. For these reasons, any increase in traffic is undesirable</p>
<p>3 The Bit Wigginton Tring Hertfordshire HP23 6EQ</p>	<p>I believe this proposal to be overdevelopment of the site and wish to object to planning application 21/02925/FUL for the following reasons:</p> <p>1) The effect on road safety, the free-flow of traffic, access for emergency services, refuse collection etc. due to the under provision of parking spaces. The current Dacorum requirement is for 3 spaces for each 4 bedroom dwelling. (Parking Standards SPD November 2020) Hence a total of 12 spaces are required whilst only 8 are being proposed. Furthermore, some of these are tandem spaces, some are garages and some are both. Para. 8.5 of the SPD allows tandem spaces only if additional parking on the highway is acceptable, which is not the case on Chesham Road near the junction with The Bit. Also, the Pre-Application Advice suggests that there is a need to remove tandem parking spaces. Para 6.7 of the SPD requires robust evidence of a high probability that garages will be used for parking and this has not been provided. Para 10 of the SPD requires a parking stress survey but this does not seem to have been done.</p> <p>2) The application accepts that very special circumstances are needed to justify this development in the Green Belt but two of the five given are invalid. The first very special circumstance claimed is the removal of the commercial use of the site. However this use has already ceased and the applicant admits that the site, which has been "marketed extensively" is unsuitable for the previous use and such a buyer could not be found. It is also extremely unlikely that the site will ever be used for commercial purposes because its value for housing, even on a reduced scale, would be far higher. Hence this does not constitute a very special circumstance. The other false claim is that there will be transport benefits and an improvement to highway safety. However this is based on a theoretical worst case scenario with a more intense use by commercial vehicles. Clearly this is not going to happen and so any benefit should rightly be assessed by comparison with the existing situation. As any additional housing on the vacant site will result in an increase in traffic, this is not a benefit but the exact opposite. The above means that the very special circumstances are reduced to three potential components, being housing need, landscaping and design so the balance that needs to be assessed is not just against the spacial impact on the openness of the Green Belt but also on the under provision of parking spaces and the many consequential adverse affects thereof. The is also an inconsistency in the information provided by the applicant. The red line showing the site for the 4 dwellings includes a part of The Bit whereas the blue line for the house on Chesham Road does not include that part of The Bit. This also raises the question as to the ownership of The Bit and whether the applicant has any access</p>

	<p>rights over The Bit for residential as opposed to commercial use. My objections still stand the amended plan does not go far enough to address the issues It is overdevelopment of this site</p> <p>There is still tandem parking spaces And we now have four garages Which is likely at these will be used for other things then parking a car in I believe it should have no garages at all .then the space have to be used for parking The applicant does not own the bit like it shows on the plan and their are no present movements from that site. When it did operate coaches I would say large vehicle coming out onto the Chesham Road are far safer than cars as can see over the park cars and not have to pull out halfway into the road before they can see properly round the increasing amount of parked cars both sides of the bit entrance The access to the new development from the bit is a lot smaller than already exists(The existing sweeping starts from the start of their plot) for over 25 years I've lived opposite, this being very important to me and the rest of the residence to allow passing of vehicles and delivery drivers and a like to reverse into and drive back down the bit. Rather than reversing out onto a main road which certainly would be suicidal with the amount of parked cars and traffic in the village nowadays how can Highways or yourselves not have a problem with this ?</p>
<p>Delldene Chesham Road Wigginton Tring Hertfordshire HP23 6EH</p>	<p>With regard to the above planning application whilst feeling that the design of the properties is appropriate to the area we would like to object to the proposed development on the grounds of inadequate parking. A garage and one parking space is insufficient for todays families and the site allows for no visitors cars.</p> <p>The Bit is a very narrow un-adopted track, whose ownership is unclear, although on one of the plans submitted the applicant suggests much of it is owned by them. As such any cars unable to park on the site will in all probability be parked on Chesham Road. This is the main road through the village used by a considerable number of large vehicles and already has a considerable number of parked cars with very few spaces for passing. Any further increase of parked vehicles will create a greater hazard especially exiting The Bit.</p> <p>We therefore object on the grounds of overdevelopment.</p> <p>Smaller buildings with more parking would seem more appropriate.</p>
<p>2 Red Cottages Chesham Road Wigginton Tring Hertfordshire HP23 6EH</p>	<p>We OPPOSE the planning application 21/02925/FUL as we believe the proposal to be an over development of the site. Our reasons for objecting are listed below.</p> <p>Backland Development</p> <p>The site lies within the Wigginton Village boundary which is designated as a small village located within the Metropolitan Green Belt. Para 145 of the NPPF considers the construction of new buildings in the Green Belt to be inappropriate, however allows for some exceptions including limited infilling in villages. As the site is located within the Selected Small Village of Wigginton, policy CS6 should also be considered. CS6 allows limited infilling and infilling is defined as a form of development whereby buildings are proposed within a gap along a clearly identifiable built-up</p>

frontage or within a group of buildings. It does not include backland development or tandem development. Policy CS6 identifies that infilling will only be permitted where it is limited in scale. The term limited refers to development that does not create more than two extra dwellings, this proposal is for four additional dwellings.

The fact that the site can be accessed via The Bit seems to be being used as a reason to consider the proposal as an infill development. However, there are no houses facing onto the southern side of The Bit so we fail to understand how this could be considered infilling. This is a backland development. It is the view in the preapp response and is accepted by the applicant. It is a clear reason for refusal.

Traffic

We believe the Application makes a false claim that there will be transport benefits and improved highway safety. It suggests a reduction from up to 40 coach movements a day and 16 staff vehicles.

In over 20 years that we have lived in 2 Red Cottages we have never seen this amount of activity. In recent years it has been a maximum of perhaps 6 coach movements and 6 staff although now there are no movements to or from the site and the applicant admits a buyer cannot be found for commercial use. So, any additional housing on the site will only increase traffic movements on what the applicant states is "a narrow unlit, single carriageway lane with no footways". This traffic increase weakens the claim of very special circumstances.

The Bit is used by a considerable number of pedestrians, and as a through route from Chesham Road by parents walking their children to and from St Bartholomew's School.

The inadequate width of The Bit, poor visibility at the junction with Chesham Rd and use by pedestrians makes it entirely unsuitable for a new housing development.

Wakelin Associates Architects drawing TGCR/21/PL01 shows a Thick Chain Link Line (TCLL) that appears to indicate the extent of the plot. However, this TCLL encompasses part of The Bit which is not part of the plot but merely a right of way over this land (subject to paying a fair proportion of the expense of keeping this land in good repair). Ref. HM Land Registry Title HD403885.

Also, the TCLL has been drawn to exaggerate the width of The Bit. The usable width of this part of The Bit is in places only 260cm whereas the TCLL would indicate a width of more than twice this (approx. 525-550cm) by incorporating parts of abutting gardens. The TCLL shows The Bit to be only marginally narrower than the vehicular carriageway of Chesham Road which is obviously not the case. Or does this suggest that HCC Highways has a plan to adopt The Bit and to compulsorily purchase sections of land along its length?

The Bit is only just wide enough to allow the passage of a Refuse Collection Vehicle. Indeed, only recently I had a delivery of a bulk bag of sand from a building supplies company and their lorry could only reverse down The Bit with both of its wing mirrors folded in, relying on

the vehicle's reverse camera. The driver took several attempts before successfully completing the task. No pedestrians could pass by the lorry while it was making this manoeuvre nor while it was stationary.

The Transport Statement prepared on behalf of Mrs S Potter contains a drawing 20174/TK02 Rev B. This shows the Swept Path Analysis of a Refuse Vehicle, apparently passing over part of the garden of 5 The Bit.

Surely the applicant should be required to provide a detailed large scale and accurate plan of The Bit showing the carriageway width, plot boundaries, access points, hedge lines etc., including dimensions, to justify the suitability of it as an access for the proposed development.

Parking

I believe that Dacorum's current requirement is 3 spaces per 4 bed dwelling, a total of 12 spaces. The application proposes only 8 parking spaces, 6 of which comprise garages and parking spaces in tandem. How often are garages used for parking cars? And the pre-application advice suggests the need to remove tandem parking spaces.

There is nowhere on The Bit for parking and there is seldom spare parking space along Chesham Road near The Bit. Indeed, cars are often parked so close to The Bit that it is difficult to see oncoming traffic, from the right, when exiting The Bit onto Chesham Road.

The entrance from The Bit onto the site, in front of the security gate, has always been used as a passing place and as a turning point by residents of The Bit and delivery vehicles. The complete lack of any on-street parking on The Bit is already a problem to the extent that some people have been using the site entrance since closure for parking even though this hinders its use for passing and turning. Also, in view of the need to retain the entrance splay as an established point for turning and passing, any consent should include a condition removing permitted development rights for fences and gates between the line of the existing gates and the site boundary with The Bit.

Trees and Hedges

The whole site was some years ago edged with a planting of conifers to form a hedge. When we moved into 2 Red Cottages, I was able to reach to cut down some of the branches overhanging our parking area but in over 20 years this conifer hedge has grown substantially so that I no longer can. And not only does this deprive my vegetable plot of light, but it causes an immense nuisance from droppings from pigeons perched on its branches and by it dropping detritus onto our cars. Several branches have fallen into our property, particularly in strong winds and when snow or a heavy frost accumulates on its branches. This is potentially very dangerous. I have asked the owner, via the Architects, if these could be cut back to a maximum height of two metres but have yet to receive a reply.

Drawing TGCR/20/EX01 has the conifers in the northeast corner of the plot as being 10M firs. I have attempted to establish their height by triangulation and estimate them to be at least 17.5M tall.

The application shows (TGCR/21/PL01) that a number of conifers will be removed including two larches, attractive trees which I would happily see retained. However, the conifer hedge abutting our property, which ideally I would like removed, is shown as being retained.

These large conifers significantly contravene the High Hedges legislation and may have to be referred to Dacorum if the issue cannot be resolved otherwise.

Additionally, the proposal shows the planting of an Acer tight up against, and overhanging, our property, directly above where I park my car. This Acer campestre 'Lienco' when mature could reach 12M in height with a 6M spread. I have written to the Architects and asked if this could be planted 3M inside their site.

Agenda Item 5d

ITEM NUMBER: 5d

21/04265/ROC	Variation of Condition 2 (Approved Plans) attached to planning permission 4/00726/17/FUL (Two three bed detached dwellings)	
Site Address:	Land to the rear of 76-78 Belswains Lane, Hemel Hempstead	
Applicant/Agent	Mr Wingrove	
Case Officer:	Robert Freeman	
Parish/Ward:	Hemel Hempstead	Apsley and Corner Hall
Referral to Committee:	The application is referred to the Development Management Committee in accordance with Section 2.3.2 (1) of the Constitution and at the request of Councillor Peter. The proposal would result in changes to a scheme previously refused planning permission by the Development Management Committee.	

1. **RECOMMENDATION** – That planning permission is **GRANTED**

2. SUMMARY

2.1 The proposed residential use of the site is considered to be acceptable in accordance with Policies CS1 and CS4 of the Core Strategy. The resulting dwellings are considered to be satisfactory in terms of their design, bulk, scale, site coverage and height and would not result in any significant harm to the character and appearance of the area in accordance with Policies CS10, CS11 and CS12 of the Core Strategy. Adequate arrangements for off-street parking are available within the curtilage of each property in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

3. BACKGROUND

3.1 Planning permission was granted for the construction of two x three bedroom dwellings under planning permission 4/00726/17FUL by the Development Management Committee at the meeting of the 17th August 2017.

3.2 A proposal to vary this planning permission (4/02726/18/ROC) was refused by the Development Management Committee on the 10th January 2019 contrary to the officer recommendation. This application was refused for the following reason:

“The proposed two units by reason of their bulk and mass would result in overdevelopment, eroding the spacious character of the area. This would also result in the proposal failing to achieve sufficient separation distances to neighbouring residents. As a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area and fail to secure good standards of amenity for existing and future occupiers of land and buildings. The development is, therefore, contrary to Saved Appendix 3 of the Dacorum Local Plan (2004) and Policies CS11 and CS12 of the Core Strategy (2013), the National Planning Policy Framework (2018)”

A subsequent planning appeal (APP/A1910/W/19/3221620) was granted on the 11th June 2019.

3.3 The applicants commenced construction of development in May 2021 in breach of conditions 3 (Contamination) and 5 (Landscaping) attached to appeal decision APP/A1910/W/19/3221620. These dwellings under construction were also not being constructed in accordance with the approved plans for either 4/00726/17/FUL or 4/02726/18/ROC.

- 3.4 The site has been subject to enforcement investigations (E/21/00181/BOC and E/21/00343/NAP).
- 3.5 Conditions 3 and 5 (iv), (v), (vi) and (vii) only were approved under application 21/02321/DRC in August 2021. This approval did not extend to landscaping details reserved by condition 5, points (i), (ii), (iii) and (viii) identifying root protection areas of retained trees on or adjacent to the site, areas for protective fencing and type, and finished levels and contours will need to be fully shown on any future landscape plan.

4. PROPOSALS

- 4.1 The current application seeks permission for the retention of two x three bedroom dwellings under construction at the site. Each of the proposed dwellings would be provided with two parking spaces.
- 4.2 The main difference between the approved scheme and the current proposals are the inclusion of two storey side extensions to each unit toward the common boundaries with 74 Belswains Lane and 1-2 Belswains Cottages.

5. REPRESENTATIONS

Consultation responses

- 5.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 5.2 These are reproduced in full at Appendix B.

6. CONSIDERATIONS

Planning Procedure

- 6.1 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Such applications cannot be made to extend the time limit within which a development can commence nor can they be used to change the description of a development. These applications are commonly used to make Minor Material Alterations to a planning permission however they can also be utilised to regularise development that has not been undertaken in accordance with the approved plans providing that the local planning authority is satisfied that the proposals do not result in a scale and/or nature of development which is not substantially different from the one which has been approved.
- 6.2 The proposals still involve the construction of two dwellings upon the application site, which although larger than approved would still contain three bedrooms. As such I can find no objection to the use of an application under Section 73 in this instance. This would be consistent with the consideration of planning application 4/02726/18/ROC by the Planning Inspectorate. That scheme resulted in changes to both the size, orientation and positioning of development upon the application site and is material to the consideration of this proposal.
- 6.3 The Section 73 application has been subject to the same public consultation as would be undertaken with a fresh full application for planning permission to develop the site and its determination will result in the issue of a new Decision Notice with any relevant planning

conditions. No party to the consideration of this case would be prejudiced as a result of this procedure.

Policy and Principle

- 6.4 The site already benefits from two planning permissions for residential development on the site (4/00726/17/FUL or 4/02726/18/ROC) and is located in an area where in accordance with Policies CS1, CS2 and CS4 of the Core Strategy appropriate residential development would be encouraged. The proposals are therefore acceptable in principle with the key considerations in this case relating to the impact upon the character and appearance of the area, impact on residential amenity and access and parking.

Layout and Design

- 6.5 The proposed dwellings are considered to be acceptable in terms of their layout, site coverage, design, bulk, scale and height and do not result in any significant harm to the overall character and appearance of the area in accordance with Policies CS11 and CS12 of the Core Strategy. The main changes to the scheme are a reduction in the spacing between these residential units and between the properties and the side boundaries of the application site. Plot 1 is now located approximately 1m from the common boundary with 74 Belswains Lane, whilst Plot 2 is within 6m of the boundary of the site and the public footpath to the front of 1 and 2 Belswains Cottages. This decrease in separation distance would not be appreciated from the narrow glimpses into the site from the wider public realm and is not considered to be demonstrably harmful to the overall appearance of the area.

Impact on Residential Amenity

- 6.6 A high level of amenity would still be provided for each of the proposed residential units in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011. The rear garden to plot 2 would be approximately 0.3m below standard in terms of garden depth however both gardens would be significantly larger in width (14.8-16.4) and would provide a commensurate level of outdoor amenity space. The outdoor amenity spaces are broadly consistent with the approved site layout. The properties would remain located at between 22-23m from the main rear walls of properties in Belswains Lane and Ebbens Road and this relationship which has been considered acceptable by the Planning Inspectorate.

Impact on Neighbouring Properties

- 6.7 The proposed dwellings would have no significant impact on the amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 6.8 Although the proposed dwelling to plot 1 would now be located within 1m of the side boundary of 74 Belswains Lane, it remains a significant distance from the rear elevation of this property. The proposed unit would be approximately 24m from the main rear wall of the property and some 15.6m from the main wall to its rear extension. The property may have oblique views towards this dwelling as a result of its extension however these would not significantly compromise the privacy of this unit
- 6.9 The extension of plot 2 would not result in any material increased overlooking to the properties on Ebbens Road. As the Inspectorate notes "potential for additional overlooking would be minimised by tall trees along the boundary" which "whilst diminished during autumn and winter.....would nonetheless remain obscured by the network of tree branches" The distance between the properties remains consistent with previous approvals

as does the coverage of trees in this location and the potential for overlooking to Ebbens Road.

- 6.10 The distance between the flank elevation to plot 2 and the front elevations to 2 Belswains Cottages has been reduced from 13m to 11.5m through successive planning applications and in the case of this submission would be further reduced to around 9.5-10m. The separation distances set out in the Local Plan do not relate to the side-front relationships that exists in this case. The outlook of 2 Belswains Cottages is dominated by a row of tall leylandii trees along the site boundary and these limit the views into the site throughout the year. As a result, the dwellings upon the application site would be neither visually intrusive nor result in any loss of privacy thereto. There would be no significant impact on light to properties at Belswains Cottages given the north westerly orientation of their front elevations and tree coverage.

Impact on Trees

- 6.11 Although there are a number of trees around the perimeter of the site and to neighbouring land, none of these appear to be subject to a Tree Preservation Order and as such their protection under planning legislation is limited. It is evident that works have already been undertaken at the application site without adequate tree protection measures having been provided and that the proposed dwellings would extend within the root protection area (RPA) of trees within the garden of 74 Belswains Lane. This includes the RPA of a Cherry tree (now deceased) of low amenity value and a Blue Spruce/Pine tree with moderate/low amenity value. The loss or damage to these trees is unlikely to be merit the refusal of this planning application and would not outweigh the benefits of new housing on the site.

Access and Parking

- 6.12 The proposed dwellings would utilise an access between the properties of 76 and 78 Belswains Lane in accordance with the original planning permission for development on this site. Subject to the safeguarding of visibility splays at the entrance to the site, this should provide a safe and convenient form of access onto the wider highway network in accordance with Policies CS8 and CS12 of the Core Strategy.
- 6.13 The proposals would still result in the construction of 2 x 3 bed dwellings upon the site and these would each be provided with two parking spaces. This is considered to be appropriate in accordance with the Car Parking Standards SPD (2020) and is consistent with the original approval for development at the site. It has been requested that the applicant set two spaces serving plot 2 further into the site and towards the common boundary with Belswains Cottages to ensure that there is sufficient space to the front of parking areas to allow for manoeuvring into a forward gear and to allow the circulation of larger vehicles within the site. The submission of this plan has been conditioned. The plan should also demonstrate that EV charging points have been provided in accordance with the Car Parking Standards SPD (2020)

Sustainable Construction

- 6.14 There have been no details provided with this application to demonstrate how the dwellings under construction may comply or otherwise with the requirements under Policies CS29, CS31 and CS32 of the Core Strategy. It is difficult to apply Sustainability objectives retrospectively and there would be limited measures that might be introduced at a late stage. It is acknowledged that the buildings are being constructed in accordance with the current Building Regulations which should result in a high performing building fabric. Nevertheless, it is still considered that the dwellings should not be occupied until the applicant has submitted details of the sustainable construction techniques employed during

construction to be approved by the local planning authority. This is subject to a planning condition below.

Developer Contributions and Infrastructure

- 6.15 All developments are expected to contribute towards the cost of on-site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The properties would be liable for the payment of the Community Infrastructure Levy (CIL) in accordance with the adopted Charging Schedule. This is considered sufficient to address the needs arising from Policy CS35 of the Core Strategy.

Neighbours Comments

- 6.16 The comments of neighbouring parties have been addressed above with the exception of the following matters

Bats

- 6.17 There is little evidence to suggest that the development would have a detrimental impact upon any bats in the locality and no suggestion from the County Ecologist that measures should be provided to address concerns with the implications of development.

Future Use

- 6.18 This application is for the construction of two dwellings on the site and should be judged upon its own merits.

Conditions

- 6.19 The Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under Section 73 should repeat the relevant conditions from the original planning permission unless they have already been discharged.
- 6.20 Development has already commenced at the site and as such there is no reason to limit the time during which the application may be implemented. Likewise I find no reason to reapply condition 3 attached to appeal decision as a satisfactory Phase 1 Contamination report was submitted under reference 21/02321/DRC in relation to the site. The approved landscaping scheme does not however appear to be capable of implementation following the grant of this permission and as such a new landscaping scheme will need to be provided to ensure a satisfactory appearance to the development.

7. RECOMMENDATION.

- 7.1 That planning permission be GRANTED subject to the following conditions:

Conditions):

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

**76BLHH-601
76BLHH-602
76BLHH-603
76BLHH-604**

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

2. **The development hereby permitted shall be constructed in accordance with the materials specified on the plans hereby approved.**

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 approved, shall not be occupied until details of the access circulation and parking arrangements shall have been submitted and approved in writing by the local planning authority. These plans should show the provision of adequate visibility splays to the site entrance, the provision of two parking spaces per unit, the location and type of EV charging infrastructure and appropriate circulations space within the site to enter and exit the site in a forward gear. These parking arrangements shall be provided and shall thereafter retained in accordance with the approved drawings.**

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

4. **The development hereby permitted shall not commence until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.**

Reason: To ensure that any contamination of the site is remediated in accordance with Policy CS32 of the Core Strategy and is fit for residential use.

5. **The development hereby approved shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- **all external hard surfaces within the site;**
- **other surfacing materials;**
- **means of enclosure;**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and**
- **minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.)**

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

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

- 6. The development hereby approved shall not be occupied until details of the sustainable construction measures incorporated within the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved details.**

Reason: To ensure that appropriate sustainable construction measures are incorporated in the design of the proposals in accordance with Policy CS29 of the Core Strategy. .

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire County Council – Highways	<p>The proposal is for the variation of condition 2 (approved plans) attached to planning permission 4/00726/17/FUL (Two three bed detached dwellings) on Land to the rear of 76-78 Belswains Lane, Hemel Hempstead.</p> <p>The changes are to the size of the proposed dwellings. The change of size does not greatly impact the highways consideration for the site. Therefore, I would like to draw your attention to our original response (ref: 4/00726/17/FUL) in relation to the site as a whole.</p>
Hertfordshire County Council – Growth and Infrastructure	<p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.</p> <p>I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.</p>
Affinity Water	No comment

Crime Prevention Officer	I have no comments regarding this variation of condition 2.
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APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
2 Belswains Cottages	<p>We strongly object to the proposed plans for the following reasons:</p> <ol style="list-style-type: none"> 1. Not a variation of condition. The proposed plan is for 2 houses 12.4m x 7.9m which is nearly double the size of the houses in the original application (4/00726/17/FUL). That is a major change, not a variation of condition. 2. The plans are inaccurate. The plans show red lines to indicate "approved dwelling being constructed", when in fact the developer has already built the foundations to match the proposed plans rather than the currently approved plans (4/02726/18/ROC 24 Dec 2018). 3. There is not enough space for the proposed dwellings. The proposed plans show Plot 1 is 5.8m from the fence. The foundations the developer has already built are within 3.5m of the fence. 4. Plot 1 will result in loss of light to Belswains Cottages. The developer submitted a 25 degree line diagram with his previous application (4_02726_18_ROC-25_degree_line-581661.pdf) that showed that the development had to be 10m away from Belswains Cottages to ensure there was no loss of light. The fence is 3.5m from Belswains Cottages, so the development has to be 6.5m from the fence. The proposed plan shows the development 5.8m from the fence and the developer has already built to within 3.5m of the fence. 5. The increased size and additional windows will affect the privacy and outlook of neighbouring properties on all sides. 6. The increased size of the properties would allow them to be subdivided in future to create 4 properties. This would result in more traffic in and out of the development. In previous applications it was determined that the access to the site would only be suitable for 2 retirement dwellings because of the poor visibility when exiting the site.
74 Belswains Lane	<ol style="list-style-type: none"> 1. There have been 15 planning applications to develop the rear of 76/78 Belswains Lane and 3 appeals. The applicants have continued to challenge the planning process and this new variation is another example of attempts to over develop the site. 2. The new variation increases the size of the dwelling footprints by some 80% compared with the original planning (August 2017) The previous variations (approved on appeal) increased the footprint by 40% but was initially refused by the Development Management Committee because "the two units by reason of their bulk and mass

would result in overdevelopment, eroding the spacious character of the area. This would also fail to achieve sufficient separation distances to neighbouring residents. As a result, the proposed dwellings would appear cramped within the plot and would fail to maintain or enhance the quality and character of the surrounding area and would fail to secure good standards of amenity for existing and future occupiers of land and building. The development is contrary to Saved Appendix 3 of the Dacorum Local Plan (2004) and Policies CS11 and CS12 of the Core Strategy (2013) This new variation should be refused for the same reasons.

3. This variation has a similar footprint to 4/03037/16/FUL (January 2017) which was refused by the case officer because “visibility splays of 2.4m x 43m could not be provided, because the impact to trees within the gardens of neighbouring land was unacceptable and that the mass and bulk across the site was significantly harmful to the spacious character of the area. The proposals were considered detrimental to residents outlook, privacy and daylight serving neighbouring properties at 1 and 2 Belswains Cottages and Nos 203-211 Ebbens Road” This earlier proposal included garages so the volume of the proposals is much greater. Precedence has already been set for a refusal of dwellings of this size proposed and the proposals should be refused accordingly.

4. The Trees and Woodlands officer was concerned about building a dwelling near our boundary due to the proximity of our blue spruce tree and hazelnut trees and uncertainties still arise in regards to the welfare of future occupants due to severe overshadowing and loss of light cast on the dwelling and its rear amenity space as a result of trees. This in turn could lead to pressure to prune these trees in the future. The proposals would therefore adversely affect the landscape character of the site and surrounding area by harming adjacent trees contrary to Policy CS12 of the Core Strategy and Saved Policies 99, 100 and 101 of the Local Plan (2004)

5. An almost identical application was submitted in November 2018 (4/02726/18/ROC) which was subsequently withdrawn. Was this rejected by planning before formal review by reason of overdevelopment?

6. The applicant represents Wingrove Construction. “With over 25 years experience in the building industry you can rely on Wingrove Construction to provide an impeccable, honest, reliable and professional service” So why has the foundations to this scheme already been built to the dimensions stated in the new variation (a retrospective application) and why has the applicant built a garage behind the substation that is not shown on any of the approved plans?. Why is the submitted plan not accurate in respect to foundations already constructed? Clearly the close proximity of the dwelling behind 78 Belswains Lane to Belswains Cottage does not comply with guidance on the right to light. A detailed survey of the site is required.

7. Given the applicants experience, why has he commenced on site in breach of conditions 3 and part of condition 5? These require that:

	<p>“Except in relation to the site access lane, no trenching, digging or construction of foundations or other construction works shall be undertaken and no equipment, machinery or materials shall be brought onto the site for the purpose of development hereby permitted”</p> <p>This resulted in a temporary stop notice being issued in relation to the site. We should expect as a minimum that sections of oversize foundations, damaged ground and replanted trees should be repaired or provided. The garage must also be demolished and the foundations removed to allow the popular tree to grow new roots.</p> <p>8. The report to the Development Management Committee of the 10th January 2019 included a statement from the tree officer that “To ensure the RPA of other trees aren’t compacted it would be best to fence them off using weldmesh panels following the yellow line I’ve drawn. Construction activity, apart from the fencing work, shouldn’t occur between the line and the boundaries of the site. A similar plan could be conditioned. The foundations already extend into this area and the applicant has removed 300mm of topsoil across the area adjacent to our boundary. The blue spruce tree in our garden now looks “shocked” – branches have died and there is no new growth this year. I also believe that foundation work has caused the adjacent Cherry tree to die (a few months after foundation works) Furthermore the unapproved garage is in the RPA and the foundation has compromised the 20m poplar tree on the boundary of the substation. The whole garage has been excavated to a depth of 0.5m and poplar roots have been exposed.</p> <p>9. The proposed dwelling to the rear of 76 Belswains Lane is just 15.5m from our lounge. The occupants of the new property will have a full view through our lounge area which is a privacy issue.</p> <p>10. The turning circle within the site has been removed in the new variation and consequently cars will need to reverse onto Belswains Lane. The applicants do not control the sight lines adjacent the substation.</p> <p>11. The two large dwellings will be visually intrusive (bulk) and relatively close to our property. At least 80% of the green space would be covered by buildings resulting in a clear overdevelopment of the site.</p> <p>12. The new footings in-situ have been constructed with a central party wall so I believe that at a later date the applicant will seek retrospective planning permission for 4 semi-detached properties. These properties are constructed with gable ends so will most likely be constructed as three storey dwellings utilising the roof space. We could clearly end up with more development on the site increasing the danger to Belswains Lane at a point where there have been numerous accidents and a fatality.</p>
203A Ebbens Road	This is attempted increase by stealth. Given the significant dimensions of the proposed enlargement, it is disingenuous to identify the nature

	<p>of the proposal as a "variation of condition".</p> <p>I would argue that a fresh application is required. Furthermore, the foundations for the larger properties have ALREADY been laid. An attempt to obscure activities on the site resulted in a large, ugly scaffolding with net construction being erected right up against my boundary fence almost two years ago.</p> <p>My reasons for objecting to the application:</p> <ol style="list-style-type: none"> 1. the closer proximity of plot 2 to my boundary 2. greater loss of privacy 3. increased loss of light <p>There is also the added concern that these two larger buildings will lend themselves to further division and increased occupancy in the future</p>
205 Ebbens Road	<p>Having viewed the proposed variation we object for the following reasons:-</p> <ol style="list-style-type: none"> 1. The existing approval, which was only given at appeal to the Planning Inspectorate, is for 2x 3 bedroom houses. Plot 1 was 6.7m x7.8m ,now the proposal is 12.375m x 7.875m. This is almost a doubling of size. Plot2 was 9.1m x 6.0m, new proposal 12.375m x7.875m again almost a doubling of size. This is an overdevelopment of the site. As an aside there has already been the construction of a garage on site on one Plot, which was not part of the original approval and is an indication that there maybe further over development. A bigger property will inevitably mean a loss of light to neighbouring properties. 2. The new proposal has additional windows to both front and rear aspects which will which will mean neighbouring homes are more overlooked and privacy will be reduced. 3. Why the need to increase size? One can only assume that this is about increasing the sale prices and therefore profit once sold, rather than having any regard to the effect on existing properties. 4. We have noticed that bats are active at night over the last two summers. They fly over the rear gardens of 201 to 207 Ebbens Road. We do not know where they are roosting but any increase in the proposed development may have an adverse effect on the local bat population
209 Ebbens Road	<p>This proposal is similar in ambition to 4/03037/16/FUL placed in December 2018, which was objected too by local residents and rejected by the Council on grounds of over development.</p> <p>As in 2018 this is not a small change to an approved plan... this is near doubling the size of the properties, and as such must surely require an entirely new application.</p> <p>The Scale of Development on the site has long been of concern for the neighbouring properties as the planned properties get larger and therefore inevitably closer to them.</p>

	<p>The amended plans shows Plot 2 elevations with "outline of approved dwelling being constructed".</p> <p>This is not the case as the footings that have been started appear to be for the proposed amended plan, not the approved plan. The dwelling on Plot 2 (outlined in green on the proposed site plan) is now twice as large as the approved plan. This warrants a new application, not a minor amendment. There has already been significant works carried out that do not comply with the approved plan, subject to a current Planning Enforcement case: E/21/00343/NAP</p> <p>For Plot 2 the change in orientation along with the replacement of the approved single frosted window with 6 windows and large bifold doors will result in loss of current privacy for adjacent properties on Ebbens Road. Similarly future occupants of the proposed property will also have little privacy given the proximity and higher elevation of Belswains Lane and Ebbens Road three storey properties.</p> <p>We were under the impression that plans were approved for construction of two retirement homes, this amended proposal is for large "executive" homes... not a property type that this area is short of following the Aspen Park development. The proposed inclusion of additional rooms and space means that the properties could easily be subdivided to create more households. There is insufficient parking or turning space around the properties for this to happen in the future.</p>

Agenda Item 5e

ITEM NUMBER: 5e

21/03837/FUL	Installation of 1No. 17.5m high monopole and 2No. equipment cabinets, together with ancillary apparatus. Existing monopole and cabinet to be removed.	
Site Address:	South Side Of Station Road, Station Road, Tring, Herts	
Applicant/Agent:		Mrs Rachel Coulter
Case Officer:	Colin Lecart	
Parish/Ward:	Tring Town Council	Tring East
Referral to Committee:	Objection received from the parish council	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 The proposal seeks to replace an existing mast on a site already used for telecommunications equipment and therefore complies with the NPPF's emphasis on keeping telecommunications sites and mast to a minimum.

2.2 Due to the existing context of station road, where residential dwellings span the northern side of the road and regularly spaced and clearly visible vertical street furniture such as street lights, power poles, and signage on approach, it is considered that the proposal would not result in significant harm to the character and appearance of the surrounding area overall. The applicants have confirmed that 17.5m height is the minimum height at which the required coverage and technical upgrades can be achieved. As a result, it is considered that the site is suitable for this development with regards to its existing use and the surrounding context.

2.3 Hertfordshire Highways have no objection to the proposal, noting that the location of the proposed equipment is considered to be acceptable and would not interfere with the safe and free functioning of use of the adjacent highway carriageway or footway.

3. SITE DESCRIPTION

3.1 The application site comprises a grass verge on the southern side of Station Road, Tring and is occupied by an existing 12.5m high mast with a cabinet. Another existing mast is located a short distance to the south west along the same stretch of verge. The site is located between the grounds of Tring Park Cricket Club to the south and residential dwellings to the north.

4. PROPOSAL

4.1 Planning permission is sought for the installation of 1No. 17.5m high monopole and 2No. equipment cabinets, together with ancillary apparatus. Existing monopole and cabinet are to be removed.

5. PLANNING HISTORY

Planning Applications:

4/01885/17/TEL. - The installation of 1no. 12.5m elara monopole (coloured light grey) with 3no. Shrouded antennas, 1no. Alifabs hurcules equipment cabinet and ancillary development.

4/01858/11/STU - Installation of high speed broadband cabinet

6. CONSTRAINTS

CIL Zone: CIL2

Parish: Tring CP

RAF Halton and Chenies Zone: Green (15.2m)

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

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

Parking Standards: New Zone 3

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 (2021)

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

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

Core Strategy (2013):

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

Local Plan (2004):

Policy 126 – Electronic Communication Apparatus

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 Section 10 (paragraphs 114-118) of the NPPF (2021) 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*”

9.3 In the interests of limiting the number of radio and electronic communications masts in area, 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.

9.4 Paragraph 117 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.
- A statement that self-certifies that, when operational, International Commission guidelines on limiting exposure to electromagnetic fields will be met.
- For a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

9.5 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

9.6 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. Consultation was issued to:

- Tring East Ward Councillor
- Tring Town Council
- MP for South West Hertfordshire
- 41 residential properties across Station Road, Nightingale Close, Beech Grove, The Cedars and Hawkwell Drive
- Tring Cricket Club
- Tring Tennis Courts

9.7 The submission includes a summary of the responses that were received and the applicant’s response to these.

Alternative Sites

9.8 The application does not technically re-use the existing 12.5m mast but is replacing it due to the technical requirements for providing increased 4g coverage as well as new 5g coverage to the area. However, the application makes use of an established telecommunications site. The principle over using this site over others was established under 4/01885/17/TEL.

9.9 Furthermore, Paragraph 115 of the NPPF states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum. By re-using the existing site which involved the removal of the existing mast and cabinet, there would be no net increase in telecommunications equipment/sites in the surrounding area which complies with

the aims of the NPPF. It is likely that if the LPA were to insist on a new site within the surrounding area, that the existing mast on this site would be retained, resulting in a net increase of masts in the surrounding area.

9.10 When taking into account the NPPF's emphasis on keeping the number of masts and sites for these to a minimum in an area and the proposed use of an existing site under this application, it is considered that alternative site searches are not necessary. Nonetheless, the consultation information the applicant has provided outlined that alternative sites were raised by residents and responses to this are included.

Public Health

9.11 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.

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

9.13 The application is also accompanied by a document on Health and Mobile Phone Base Stations which summarises research reviews on the issue.

9.14 It is also noted that in April 2021 the government released a consultation on a change to permitted development rights surrounding communications development. The information points towards further measures/changes in the legislation to cover the design requirements of 5g masts.

9.15 Due to the above, it is considered that the proposed development in this location is acceptable in principle.

Quality of Design / Impact on Visual Amenity

9.16 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.

9.17 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.

9.18 The application site backs off onto the grounds of Tring Park Cricket Club to the South with residential properties located on the opposite side of the road to the north.

9.19 Station Road is a relatively straight road which features regularly spaced vertical street furniture either side of the road. When traveling towards the site from the west, one would perceive power line poles on one side of the road with street lighting and signage on the other. From longer views, existing vegetation and trees along the boundary with Pound Meadow would assist in partially screening the development. Nonetheless, due to the presence of existing vertical street furniture combined with the nature of the straight road, views towards the mast would be gradual and partially concealed from longer views. Once views open up on approach, the mast would be perceived in a context where existing vertical street furniture already characterises part of the street scene, along with residential dwellings on the opposite side of the road. Existing trees behind the site, within the cricket club grounds, would assist in softening the appearance of the development.

9.20 Views from the north east would largely be the same as above, with the curvature of the road and existing landscaping helping to partially screen and soften long range views of the development. Again, vertical street furniture that is regularly spaced would be clearly visible on approach to the site. There are no Listed Buildings within the immediate vicinity and the site lies outside the Tring Conservation Area.

9.21 There is no doubt that at close range views, the mast would be prominent. However, it is considered that this in itself does not equate to harm to the overall character and appearance of the area when taking into account the context on approach and the existing situation whereby two masts already exist in close proximity to each other combined with the surrounding vertical street furniture on approach. While the road does exhibit an open nature due to landscaping and the location of the cricket club grounds and Pound Meadow to the south and south west, residential dwellings stretch the entire northern side of the road with little interruption on approach to the more urbanised setting of Tring's High Street. In this wider context, it is considered that despite the height of the mast, it would not be a feature completely incongruous to an urban setting within the established boundaries of a town such as Tring.

9.22 It is considered that the mast would not be overtly prominent from southern views (such as Pound Meadow) due to existing tree coverage. A condition will state that the mast and cabinets should be finished in green to assist its assimilation with the tree's located to the rear as much as possible.

9.23 The application initially proposed the retention of the existing cabinet on site (alongside the proposed cabinet) and a highway barrier measuring 12m in length. There were concerns regarding over cluttering of the green verge in this location, especially when considering the other existing mast and cabinets a short distance away from the site. As such, the proposed barrier has been omitted and the existing cabinet would be removed. The barrier was also removed due to concerns from Hertfordshire Highways.

9.24 The applicants have also confirmed that the Network's radio planners have stated that a height lower than 17.5m is not possible as to do this would compromise the technologies offered and limit the service improvements. A lower height of say, 15m, would not offer a suitable upgrade path for the future and would need to be replaced with a taller pole at a later date. Thus there height has been limited to that which is necessary to offer the public benefits of the proposal in the form of increased connectivity.

9.25 As previously stated, the NPPF places an emphasis on keeping mast sites to a minimum and by using an existing site such as this which involves the removal of the existing mast, there would not be a net increase in masts located within the area. However, a number of concerns around siting have been raised and potential alternative sites at Tesco and Pound Meadow have been mentioned.

9.27 Notwithstanding the NPPF's emphasis on using existing sites and keeping new ones to a minimum, the case officer has reviewed Pound Meadow and the roundabout at Tesco on an initial basis regarding potential visual impacts at these locations.

9.28 With regards to the roundabout at Tesco's to the south of the proposed site, from approach from the south west along London Road, vertical street furniture is more sparsely more sparsely and irregularly placed than the situation on Station Road. The street scene also appears more open before one gets to the roundabout at Tescos (due to the lack of built form on approach). Thus, a mast at this height here would be seen more abruptly where as along station road, existing vertical street furniture such as power line poles, street lights and the other existing mast are present and widely perceived on approach to the site location. If a potential mast were to be positioned further east along London Road, it would then be seen more prominently from long range views across Pound Meadow.

9.29 Pound Meadow itself is an open field whereby from within the field, any views of a potential mast here would be perceived out of odds with the area due to lack of any other concentrations of vertical street furniture. It would also be viewed from a wider variety of angles depending on where a mast was positioned on this land.

9.30 Overall, with respect to visual impacts, a mast of this height at either Tesco's or Pound Meadow would be seen more abruptly than on station road due to smaller concentrations of vertical street furniture and lack of built form on approach.

9.31 Due to the above, it is considered that the development would not be harmful to the overall character and appearance of the surrounding area and accords with Policies CS11 and CS12 of the Core Strategy (2013) and Saved Policy 126 of the Local Plan (2004). It should be noted that even if harm was to be identified, this would have to be carefully balanced against the public benefit of the proposals and the emphasis of the NPPF for LPA's to support high quality communications.

Impact on Residential Amenity

9.32 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.33 It is considered that the development would not have an adverse impact on the nearby residential properties in terms of loss of light or outlook. The profile of the mast is not of a form of massing which would cause overshadowing over large areas throughout the day. While it will be visible to residents, this in itself would not cause significant harm in terms of enclosure to the living spaces of any of the nearby properties. The proposed mast would represent a 5m increase in height above the existing one. However, the properties across the road would be located in excess of 20m away from the site, with landscaping along the front boundaries assisting in partially screening the development. There it is not considered that the development would be significantly overbearing and it should be noted that there is generally no guaranteed 'right to a view' which would form a material planning consideration.

9.34 In terms of noise, the Environmental Health Officer has stated there is no research, documentation, neither established nor hearsay evidence to suggest that the noise emitted by the proposed mast will be any more prevalent at the facades of potential sensitive receptor properties than existing background noise from nearby road networks. Also, in their experience they have only had negative dealings with 4g/5g masts from a noise perspective was when they appeared to be malfunctioning.

9.35 The mast and cabinet would be sited in excess of 20m away from the properties on northern side of the road, which are well set back from the frontage. Like the Environmental Health Officer indicates, it is considered that the cabinet or mast will not produce noise levels above and beyond existing ambient noise from the local road network which would lead to nuisance issues to the residential properties, especially when taking into account the overall distance. The officer has suggested a noise informative which can be attached to the decision notice if the application is granted.

9.36 As previously stated, 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.

9.37 Due to the above, it is considered the proposal would not result in adverse impacts on the residential amenity of the surrounding properties.

Impact on Highway Safety and Parking

9.38 Hertfordshire Highway initially raised concern with the proposal regarding the barrier that was to be less than 500mm from the highway boundary. This has now been omitted and as such they no longer have an objection.

9.39 The location of the proposed equipment is considered to be acceptable by HCC as Highway Authority and would not interfere with the safe and free functioning of use of the adjacent highway carriageway or footway.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.40 There are trees located to the rear of the site, within the grounds of the cricket club. However, these are positioned on the other side of a ditch and an existing hedge. It is considered that due to the distance of the proposed works to these trees, that the trees would not be detrimentally harmed. Furthermore, the existing mast is in a similar position and the presence of this equipment suggests that there are already underground services running beneath the verge in this location.

10. CONCLUSION

10.1 The proposal seeks to replace an existing mast on a site already used for telecommunications equipment and therefore complies with the NPPF's emphasis on keeping telecommunications sites and mast to a minimum.

10.2 Due to the existing context of station road, where residential dwellings span the northern side of the road and regularly spaced and clearly visible vertical street furniture such as street lights, power poles, and signage on approach, it is considered that the proposal would not result in harm to the character and appearance of the surrounding area overall. The applicants have confirmed that 17.5m height is the minimum height at which the required coverage and technical upgrades can be achieved. As a result, it is considered that the site is suitable for this development with regards to its existing use and the surrounding context.

10.3 Hertfordshire Highways have no objection to the proposal, noting that the location of the proposed equipment is considered to be acceptable and would not interfere with the safe and free functioning of use of the adjacent highway carriageway or footway.

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

201 Rev C
301 Rev C

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

3. Within one month of installation, the 17.5m monopole and equipment cabinet hereby approved shall be painted dark green.

Reason: In the interests of the visual amenity of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy (2013) and Policy 126 of the Dacorum Local Plan (2004).

4. Within three months of commencing this planning permission, the existing 12.5m Hutchinson Engineering Elara Street Pole and existing shown Hercules Equipment Cabinet as shown on drawings 201 Rev C (proposed site plan) and 301 Rev C (proposed site elevation) and shall be removed and the land restored to its original condition.

Reason: In the interests of the visual amenity of the area and to ensure that there is no a proliferation of radio and electronic communication masts, in accordance with Policies CS11, CS12 and CS13 of the Dacorum Core Strategy (2013), and paragraph 115 of the National Planning Policy Framework (2021).

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.
2. The plant installed on the proposed development shall be adequately maintained and monitored, ensuring ambient/residual noise from the mast (if any exists) is not capable of causing a detrimental impact on the occupants of residential properties in the locality.
3. Telecommunications equipment: All cabinets/poles should be installed in accordance with the Department for Transport 'Design Manual for Roads & Bridges' (Cabinet Siting and Pole Siting Code of Practice, Section 4.1.2). Where a request is made for a departure from the above standards should be submitted to the Highway Authority via the Local Planning Authority for prior approval.

The applicant is advised that they are not authorised to carry out any work within the Public Highway without a valid permit in accordance with the Permit Scheme. This consent is separate and additional to any planning permission that may be given. Details of the Permit scheme can be found via the County Councils website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	<p>Amended Plan submitted Dec 2021 (site plan is drawing number 201 C)</p> <p>Installation of 1No. 17.5m high monopole and 2No. equipment cabinets, together with ancillary apparatus thereto including Armco barrier. Existing monopole to be removed.</p> <p>Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>AN) Telecommunications equipment: All cabinets/poles should be installed in accordance with the Department for Transport 'Design Manual for Roads & Bridges' (Cabinet Siting and Pole Siting Code of Practice, Section 4.1.2). Equipment where a request is made for a departure from the above standards should be submitted to the Highway Authority via the Local Planning Authority for prior approval.</p> <p>The applicant is advised that they are not authorised to carry out any work within the Public Highway without a valid permit in accordance with the Permit Scheme. This consent is separate and additional to any planning permission that may be given. Details of the Permit scheme can be found via the County Councils website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx</p> <p>Comments The application comprises of the installation of a telecommunications monopole and associated equipment and works (and removal of existing equipment) on land at Station Road, Tring. Station Road is designated as a classified C local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. The proposed pole and equipment would be located on</p>

	<p>highway verge to the south side of the carriageway.</p> <p>The amended plan includes the removal of the previously proposed ARMCO barrier, which was deemed to be not acceptable to the highway authority. The amended plan is therefore considered acceptable in this respect. The location of the proposed equipment is considered to be acceptable by HCC as Highway Authority and would not interfere with the safe and free functioning of use of the adjacent highway carriageway or footway.</p> <p>HCC as Highway Authority has no objections on highway grounds to the planning application, subject to the details included in the above informative.</p>
<p>Environmental And Community Protection (DBC)</p>	<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> <p>06.01.2022 (Environmental Health):</p> <p>There is no research, documentation, neither established nor hearsay evidence to suggest that the noise emitted by the proposed mast will be any more prevalent at the facades of potential sensitive receptor properties than existing background noise from nearby road networks.</p> <p>In my experience the only 4G/5G phone masts which I've ever had any negative dealings with, in terms of nuisance, emitted noise only when malfunctioning.</p> <p>Whilst I note concerns raised in objections, I cannot find any established research on the subject of noise nuisance from 5G masts beyond claims made by websites also posing unfounded pseudoscience as fact. This would therefore not be a trusted resource and would be an inappropriate foundation for any objection by this team.</p> <p>You could potentially include an informative as below to appease these concerns, if you are minded to, but I certainly wouldn't insist on it.</p> <p>Noise Informative The plant installed on the proposed development shall be adequately</p>

	<p>maintained and monitored, ensuring ambient/residual noise from the mast (if any exists) is not capable of causing a detrimental impact on the occupants of residential properties in the locality.</p>
Parish/Town Council	<p>Amended comments:</p> <p>Tring Town Council recommended REFUSAL of this application on the same grounds as the previous application but in addition, there are now safety concerns in respect of the removal of the barrier.</p> <p>Original comments:</p> <p>Tring Town Council recommended REFUSAL of this application on the grounds of over-development (too high, wide and extra equipment), out of keeping in a green rural setting, highway concerns, noise concerns, potentially hazardous. No certainty that other potential and more appropriate sites have been investigated.</p>
Hertfordshire Highways (HCC)	<p>Original response:</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 recommends that permission be refused for the following reasons:</p> <p>1. The proposed Armco barrier is not the necessary minimum horizontal distance of 500mm from the edge of the highway carriageway as documented in the Highway Authority's Roads in Hertfordshire: Highway Design Guide (section 4, 1.9).</p> <p>Therefore in order to be acceptable the proposed barrier would either need to be set back to 500mm or removed from the proposals, which is the interest of the safe functioning of the adjacent highway carriageway. HCC as Highway Authority would not have an objection to the remaining proposed equipment, which would be located on the existing highway verge adjacent to existing equipment..</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour	Contributors	Neutral	Objections	Support
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Consultations				
9	13	0	13	0

Neighbour Responses

Address	Comments
6 Hawkwell Drive Tring Hertfordshire HP23 5NN	<p>Dear Sirs</p> <p>We write to object to plans to remove the existing 12.5m mobile phone mast and build a new, much higher 17.5m mast. The current mast is already an eye sore and completely not in keeping with the market town that is Tring. We note that the new 17.5m mast will have 6 antennae also, so will look even more out of place compared to the current mast, as well as emitting 4G and 5G.</p> <p>The current mast is clearly visible from our back bedroom already and this new, higher one will be the same height as the surrounding trees, so even more of an eye sore. We are not happy about this.</p> <p>More importantly however, we have two children. We note that whilst there is no evidence that these telephone masts cause cancer or other health conditions, the jury is still out and there is further research ongoing into the health effects of such masts (the World Health Organisation is currently investigating and is yet to report its findings). We are concerned that this newly proposed mast will be very close to our property and emit far more RF waves than the current mast. We note that there is a report called the Stewart report that recommends such masts are not located near to schools for this reason. I am sure you can understand how worrying this for parents of two children.</p> <p>We would like to know what other suitable locations there are for this mast and whether these have been fully considered and explored? Surely there are other sites that are not located so close to residential properties, sites where the mast could be more effectively concealed from view.</p> <p>We understand many of our neighbours also feel the same and we hope you understand and listen to our concerns.</p>
10 Hawkwell Drive Tring Hertfordshire HP23 5NN	<p>The proposed new mast will be 17.5m so 5m higher than the existing one which will be very unsightly. Also it will emit 5G which has only been tested since 2019 and the jury is still out on side effects this may cause.</p> <p>With it being so close to properties this could well de value them according to a local estate agent.</p> <p>Seems a sensible idea would be to look for another site where it doesn't impact on peoples property and views.</p>
3 Hawkwell Drive Tring Hertfordshire	<p>This proposal is located on a high prominent position in Tring on Station Road and will ruin the character and appearance of the road affecting adjacent properties and amenity spaces. Also concerned as to the use</p>

HP23 5NN	<p>of the mast in emitting 5G which has only been subject to testing since 2019 with WHO publication due in 2022. This proposed 17.50m high mast will be within close proximity to adjoining properties, community play space, Schools, Cricket Club and Children's Nursery with potential dangers to Health.</p>
<p>8 Hawkwell Drive Tring Hertfordshire HP23 5NN</p>	<p>We strongly object to this application to remove the existing 12.5m mast and replace with a new much higher 17.5m mast 5m closer to our property. This is simply not an appropriate location to place such a high and unsightly structure, with 6 visible antennae. It is far too close to residential properties and will ruin the character and appearance of so many properties and the lovely leafy street scene on Station Road and Hawkwell Drive. Cornerstone even say in their application that Station Road has a 'green rural feel' which will be ruined by this huge piece of equipment.</p> <p>It cannot be right that just because we have one 12.5m high mast (which is only slightly higher than street light height) we now all have to endure a considerably higher, more unsightly mast that towers over and blights residential properties and worries residents about the health effects of 5G.</p> <p>Firstly this proposed much higher mast will significantly reduce the amenity of our property, 8 Hawkwell Drive. Due to its 5m higher and 5m closer position to our property it will completely dominate the skyline view from our master bedroom window. It will also be clearly visible from our back garden and ruin the skyline there. We cannot see the current 12.5m mast at all from our garden so this will be a huge and very detrimental change for us. We find this very distressing as we see our back garden as our place to relax and retreat. We will not be able to relax in our garden if our skyline is overshadowed by this very high and unsightly telephone mast (especially due to the health concerns that we have as set out below). This is very upsetting and stressful for us as I am sure you can understand.</p> <p>Cornerstone have stated that the new proposed phone mast will have a similar 'slim line appearance' to the existing mast. We do not agree due to the fact that 6 antennae will be visible rather than it being enclosed in a case like the current installation. This structure will look completely different and be 5m higher and 5m closer to us therefore it will be significantly more overbearing and unsightly.</p> <p>Most importantly however, we have two very small children (a baby aged 6 months and a toddler aged 2 years old). The World Health Organisation (WHO) have stated that the RF radiation emitted from such masts is possibly carcinogenic and there is further research ongoing into the health effects of such radiation. We note that studies into the new 5G technology, which emits RF waves from these phone masts at a higher frequency, has only been ongoing since 2019.</p> <p>The WHO state: 'WHO is conducting a health risk assessment from exposure to radiofrequencies, covering the entire radiofrequency range, including 5G, to be published by 2022. WHO will review scientific evidence related to potential health risks from 5G exposure as the new technology is deployed, and as more</p>

public health-related data become available.'

We are deeply concerned that this newly proposed mast will be very close to our property (within 30 or so metres) and emit far more RF waves (and 5G) than the current mast. This makes us and our two small children guinea pigs in this 'ongoing further research' experiment which is very distressing. The thought of this is seriously affecting our emotional and physical wellbeing. We note that there is a report called the Stewart report that recommends such masts are not located near to schools for this reason. I am sure that you can understand how worrying this is for a mother of two little children.

Also what happens if the WHO's report that is published in 2022 states that these phone masts are health hazards? Who will buy our house then? We will be stuck in a property that is putting our whole family's lives at risk.

We have sought the advice of an estate agent who has stated that he believes the height, proximity and health concerns of this new phone mast will put some potential buyers off buying our property if we were ever to sell, and in his own words it will make the properties on Station Road opposite the new mast very difficult to sell. He even used the words 'unsaleable.' They will be totally blighted. This is clearly unacceptable.

In addition if this new mast is erected as proposed it will surely set a precedent so that in 5 years or so, when the next technology comes out (we assume 6G) we will have to endure even higher, more unsightly masts that may be even more detrimental to our health and well-being.

We also understand that the installation of the previous mast caused lots of issues with TV signal in our neighbours' properties and this again highlights how this is an unsuitable location for such a mast as it is so close to lots of residential properties.

We strongly suggest that this new phone mast is moved to a site that is not located so closely to residential properties. One such location is Pound Meadow which is situated only 15 metres or so from the existing phone mast. Alternatively we suggest the grass verge area by the roundabout outside Tring Tesco which is not overlooked by anyone.

Pound Meadow is a patch of grass with a skate park, tennis court, derelict building and a concrete path to Tesco. Pound Meadow is not overlooked by anyone on the Tesco side. If the new telephone mast is moved to the Tesco side of Pound Meadow (perhaps behind the derelict building which has a line of trees behind it to further shield it from visibility) it will not affect anyone's amenity, outlook or emotional or physical well-being.

Cornerstone have stated that they believe Pound Meadow and the grass verge in front of Tesco is Greenbelt Land. We understand from Cornerstone that the test for being able to build this mast on Greenbelt is if there is no other suitable location to build. As we have stated the

site on Station Road is not suitable for this 17.5m high structure and therefore if there are no other sites in Tring available then this meets the test so that it can be built on this patch of Greenbelt. Also we cannot see how a grass verge by a roundabout in front of Tesco can be considered as Greenbelt? We believe that this cannot be correct.

In practice of the law we note that the Courts and adversarial bodies always seek to balance the interests of the parties when seeking to resolve a conflict. Here we see that on the one hand we have our right (and our neighbours rights) to enjoyment of our properties free from being blighted and overlooked by an unsightly telephone mast and the serious concerns that we have to our families health verses a possible slight inconvenience and small cost to a telephone company with very deep pockets in moving the installation a few metres away to Pound Meadow or the Tesco verge. We cannot see how the huge upset this will cause to us and our neighbours should be endured so that a huge telephone company can save a little time and money. We would argue that as the proposed structure is already to be moved 5m away from the existing 12.5m monopole a new hole will have to be drilled into the ground anyway and they will need new ducts and cabinets to support the new structure. A more suitable location less close to residential properties will also allow a higher more powerful mast in the future if this is deemed necessary.

Due to the strong nature of our concerns we respectfully request that this application is called in for a committee hearing and we would very much like to attend the same in person.

We look forward to hearing from you.

I am sure that you are now aware that the councillors of Tring Town Council voted unanimously on Monday 25th October to reject the planning permission for the 17.5m telephone mast on Station Road in Tring. I believe the ball is now in your court, as you are the case officer, regarding whether this is the end of this matter. We so hope that you agree with us all that permission for this mast should be rejected.

We are now aware of the legal grounds that you are bound by in order to refuse the planning permission. We therefore wanted to make you aware of a few further pieces of information that will bolster our arguments in line with these legal grounds.

1) Overdevelopment:

In summary, and as we have already set out to you, this 17.5m mast is a huge piece of equipment that will tower over beautiful Victorian houses on a lovely leafy green road in Tring. Waldron Telecom (We've called them Cornerstone in our previous correspondence) even describe the road as having a 'green rural feel' in their application. These sorts of industrial sized masts are normally situated on roundabouts/by very busy roads or in industrial areas and the proposed 17.5m high structure is completely out of character of a beautiful green residential road. It will totally ruin the amenity of many properties, the road and the character and appearance of the area. It will also, as we have already set out, greatly reduce the amenity of our property and of

	<p>a great deal of our neighbours' properties.</p> <p>One thing we wanted to make you aware of is the fact that when the existing 12.5m mast was erected on Station Road another site, opposite the fire station in Tring was considered. Very near to this 'fire station site' is a small industrial area and it is very close to the Shell petrol station. This 'fire station site' was rejected on grounds that it would be 'visually intrusive on the surroundings'. We are firmly of the belief that placing a 5 metre higher mast with 6 visible antennae on a green rural residential street will be far more visually intrusive on the surroundings than the site that was rejected by a fire station and a petrol station.</p> <p>We have already set out a few more appropriate sites in email correspondence with you. One such site is the grass verge by the roundabout and entrance to Tring Tesco. As we have already explained the grass verge by Tring Tesco is not Greenbelt and it is not overlooked by any residential properties, therefore it is the perfect place for such a construction.</p> <p>2) It impacts on highway safety: We note that Hertfordshire County Council recommend that planning permission is refused for this mast because the Armco Barrier that Waldon Telecom wish to place in front of the mast, to protect vehicles, is not the necessary 500mm from the edge of the highway carriageway. We will argue that if the Armco Barrier is removed from the application plans then this is a serious danger to road users. We attach a photograph of the grass verge (this is emailed directly to you Colin) where this new mast is proposed to be sited. You will see that it is a very skinny piece of grass with a ditch behind it. Therefore any metal boxes, other equipment and the base of the mast will be situated very close to the road which could cause a serious or fatal collision if a motor vehicle were to collide with any of the equipment proposed.</p> <p>In light of all of the above and all our other arguments that we have already set out to you (in addition to Tring Town Council and our neighbours requests to reject) we respectfully request that you reject this planning application.</p> <p>We are very happy to discuss further with you over the telephone or in person should you wish to do so.</p>
<p>13 Hawkwell Drive Tring Hertfordshire HP23 5NN</p>	<p>Ruins character and appearance of the road It may affect people's properties Unnecessary to be so high</p> <p>The last mast knocked out our neighbours TV signal / aerial</p>
<p>17 Station Road Tring Hertfordshire HP23 5NG</p>	<p>Thanks for he opportunity to comment on the above proposal:</p> <p>1. Planning Permission</p> <p>The current proposal differs from the decision in 2017 to approve the existing 12.5m 4G mast (Dacorum ref 4/01885/17/TEL) in the important</p>

respect that in that being over 15m in height it needs full planning permission. Many reservations over the previous proposal could not be properly scrutinised due to it being 'permitted development' but in this case Dacorum BC can do a proper evaluation of the merits of the case, and it must do so.

Cornerstone, in their 'consultation', have acknowledged numerous objections without any real attempt to answer them, and it is clear that they regard this as a box ticking exercise in the belief that because they were able to bulldoze through their previous proposal then this one will go through 'on the nod' as well. But this request requires planning permission and should be judged on its own merits, which are clearly lacking. We, the residents, demand that the full scrutiny we were denied previously be carried out in this case.

If approval is granted, it will in effect provide a free hand for the developer to come back again next time with a 20, 25, 30m mast, using this decision as a precedent. If approval is declined, on the other hand, the developer will be forced to do a proper assessment of the appropriate position for the mast, rather than the shoddy paper-based review it carried out last time.

2. Choice of Site

The proposal is to place the new mast close to the existing one as the location, in Cornerstone's words, "was deemed acceptable by the Local Planning Authority" (Cornerstone submission p4). This is an extremely disingenuous comment - in fact residents objected strongly to the siting, as did Tring Town Council, and we understand that there were also serious reservations within Dacorum Planning Department, but there were felt to be insufficient grounds to override the 'permitted development' status of the proposal. I do not believe any local people or representatives were happy with the decision as Cornerstone's comments imply.

Cornerstone are positioning the new mast as merely an 'upgrade' to the current installation, and as such have confirmed in their submission that no alternative sites have been investigated (Cornerstone p20). This is patently not a mere upgrade being more than a 40% bigger installation, and this is reflected in the need for full planning permission.

In their 2017 submission, the developer supposedly considered alternatives - for example Tring Fire Station, London Road sites etc, but rejected them on their own account - effectively marking their own homework. Their proposal for Station Road was presented as a fait accompli to the Council which did not have the grounds to refuse due to 'permitted development'. In fact, both residents and Tring Town Council have made several suggestions that would meet the developer's needs and not affect residents, and should this proposal be rejected - and it should - Cornerstone will have to do a more thorough job at site selection.

Since this proposal is for a replacement rather than an additional mast, any decision to refuse and site elsewhere should also result in the

removal of the current 12.5m 4G mast which has blighted our road for long enough.

3. Overdevelopment

The location in Cornerstone's words is as follows: "This stretch of Station Road has a pleasant feel.... The houses... work with the hedgerow and trees on the south side to create a green, rural feel." However, in their previous submission of 2017, when asked why Tring Fire Station - an industrial site unlikely to win any architectural awards - had not been considered, the developer said that it would be "visually intrusive on the surroundings". Surely, the combination of visually intrusive equipment on an area with a green, rural feel is the very definition of overdevelopment.

As noted below, Hertfordshire Highways have objected to the armco in the design as it cannot be the required 500mm from the edge of the carriageway. Since this is an integral part of the design, this by definition confirms that the configuration is too large for the location proposed.

Just looking at the plans should be enough to show how inappropriate this proposal is for the suggested location, but some specifics:

- * The current 12.5m pole overtops the local streetlights by approximately 30% and the new proposal at 17.5m or 57 feet would be double their height. There is nothing remotely on this scale anywhere in the area, and it is completely inappropriate for a residential road.
- * As well as being higher, there will be a proportionately bigger circumference of pole to support the additional weight. This is a considerably larger piece of equipment than the current installation, which in itself is far too large.
- * There are six external aerials instead of a single housing as on the current mast. This is a very ugly piece of equipment
- * There will be two cabinets instead of one. As has been noted by Dacorum Environmental Health inspectors, both the 12.5m mast and the 10.4m mast located nearby routinely exceed permitted noise levels, especially in summer. The additional cabinets will presumably create more noise pollution, and it seems that once permission is granted, the developer can walk away from its obligations to keep with agreed standards.

4. Hazard

Since Hertfordshire Highways have already raised an objection to the proposed Armco barrier, this will mean a major unprotected piece of hard infrastructure on a residential road. There is no concrete kerb on this side, so if a vehicle was to veer onto the verge it is likely that any collision would be serious and possibly fatal.

In case it is thought that such an incident is unlikely, we have had an example of a car mounting the verge and damaging BT cabinets 400m down the road only in the last year. This is an unacceptable risk.

5. Summary

	<p>What is being proposed is completely inappropriate for a residential road, being more suited to an industrial site. It is large, ugly, noisy and demonstrably creates a hazard. It is sited in a place that affects residents where there are better alternatives that do not. Since planning permission is needed, the Council should consider this on its stand-alone merits, where it demonstrably fails.</p> <p>This proposal should be rejected out of hand. We note the resubmission of the above proposal to site a 17.5m 5G mast on Station Road, Tring.</p> <p>As you are aware, many residents and TTC raised serious objections. In my previous comments, I raised the key areas of Inappropriate Location, Overdevelopment, Design and Safety.</p> <p>The only difference between the resubmission and the original is the removal of the protective Armco barrier, in response to the official objection of Hertfordshire Highways.</p> <p>Hertfordshire Highways' objection was that the Armco was not set back 500mm from the carriageway. Cornerstone could not achieve this given the space available, hence the removal. By definition, removal of an original design element in this way proves that the configuration is too large for the location proposed, supporting our objections on the grounds of overdevelopment and location.</p> <p>The Armco barrier is designed to protect the equipment in the case of a collision and, of course, any vehicle and passengers. The effect of the barrier's removal is to leave a major piece of unprotected hard infrastructure along a road with no kerb, likely making any collision serious and potentially fatal. As such, this makes the proposal less safe than the original, thus supporting our objections on the grounds of safety.</p> <p>The resubmission makes no concession to any of the objections raised either by the residents or Tring Town Council, and if anything are worse than the original submission. Tring Town Council (TTC) has reiterated their recommendation to refuse the application.</p> <p>We recommend that Dacorum Borough Council refuse this application.</p>
<p>The Croft 18 Station Road Tring Hertfordshire HP23 5NG</p>	<p>We strongly object to this monstrosity of a 17.50m monopole in its expected location. The existing pole is already an eyesore to those of us who live opposite, both visually as well as the constant humming that can be clearly heard. We can only assume the new pole will definitely be uglier and in all probability louder.</p> <p>Where will it stop, as technology improves will we need even bigger monopoles?</p> <p>Surely the answer lies in moving the poles to an area which is not overlooked by so many and where the constant humming would not be</p>

	<p>so much of an issue. To this end there are numerous places within a short space, Pound Meadow is a large park with plenty of space, an aerial behind the clubhouse would be an obvious place, unseen and unheard.</p> <p>Alternatively there a large verges coming into Tring from the bypass roundabout towards Tesco.</p> <p>I would not like to think it comes down to money, how much they are willing to pay for the site and where fits that criteria? If it means them paying more for an alternative site then make them pay more!</p> <p>As per my previous comments we still strongly object to this application, nothing appears to have changed from the previous application.</p> <p>It will have a severe impact, both visually and the constant humming that comes from these units.</p> <p>The jury is still out on the possible health implications from these masts.</p> <p>There are far more suitable locations within a 5 minute walk yet away from households and which would not be a blight on the landscape.</p> <p>If the previous 12.5m mast is deemed obsolete after 3 years what chance of a larger mast being required in the future?</p> <p>No one in their right mind would want to have these within any distance of their house, let alone being directly in front of ones house.</p> <p>This has to be stopped now if common sense was to prevail.</p>
<p>The Laurels 14 Station Road Tring Hertfordshire HP23 5NG</p>	<p>Dear Sir</p> <p>We have received a letter from Dacorum Borough Council planning department dated 11th October detailing planning application, App21/03837/FUL.</p> <p>My wife and I would like to object on the following grounds</p> <p>The application does not take into consideration that its location is adjacent to the frequently used (daily) existing cricket ground entrance. Over the last few years, an increased activity especially for children's sport has occurred. We support this use but are concerned that children cross through the gates unsupervised and cannot be seen as the cabinets obstruct them from oncoming traffic. In addition, the proposed will create an additional visual obstruction to on coming traffic which is used increasingly for larger events (County Cricket, fun runs, local events, fire works and other events) . The mast and the cabinets will create a hazard in terms of visibility given there are already large boxes and antennas restricting drivers and pedestrians accessing the cricket ground. This is an existing accident waiting to happen.</p> <p>The height of the mast will create an adverse visual impact on the street scene.</p> <p>The noise of the existing equipment cabinets is already disruptive to us and our neighbours sleep because of the noise of the fans</p>

In terms of the advice provided by Dacorum Planning the "material planning considerations" are as follows:-

1. Noise and disturbance resulting from use - there is historic evidence provided by residents that the noise emitted by the existing cooling units are excessive and disturbs sleep. This is far worse in the summer at night. This will make the matters worse. The current situation has NOT been addressed in the last 15 years there is no reason to believe this will be addressed by any words provided by O2

2. Visual intrusion - the proposed mast is INDUSTRIAL in scale and has a significant impact visually for all close by to the proposed mast. This type of mast if used should not be in residential areas but adjacent to existing business parks in the area or adjacent to the A41 away from the centre of Tring

3. Design appearance and materials - the mast will be 17.5 m high far higher than any other man made object in the area with antennae on the top

We recognise the need for masts to enable better reception for mobile phone, but technology is changing quickly and the planning process needs to take into account how these changes impact planning policy. The proposed mast is but the next step in development and their location needs to be better considered. Large wind farms are not placed in the middle of residential areas nor should these excessively high structures.

We object strongly to this proposal the existing mast was only positioned two years ago and already it needs to be replaced by a mast 5m higher. Can we expect another application asking for a new mast another 5m high in two years time ? At what point do Dacorum take the objections of residents seriously ?

Yours sincerely

Colin and Beverley Paterson

The Laurels 14 Station Road Tring HP23 5NG

We have received a letter dated 7th December, setting out details of the planning application 21/03837/FUL, for the installation of a 17.5m high monopole.

Following our objections of the 17th October, O2 clearly feel they can plough ahead and not listen to any comments given to date. The application now sets out the benefits of 5G, the health implications of using high radio frequencies and why the government supports the development of a 5G network. The installation remains unchanged.

These documents add very little to the concerns of ourselves or our neighbours. The key issues have not in our view been addressed

1. The noise and disturbance from use. The noise emitted from the

	<p>equipment is excessive and does disturb sleep</p> <p>2. Visual intrusion - the mast is INDUSTRIAL in scale and fundamentally changes the nature of the local environment. Further more, the size of the mast now impacts the street scene approaching the town centre where the town church spire use to dominate and will now be dwarfed by telecom equipment.</p> <p>3, The design and materials are not sympathetic to the surrounding properties, recreational areas and vegetation</p> <p>We have previously raised the impact on visibility both for pedestrians and car users if the monopole and cabinets are installed, and thus the increased likely hood of an accident from children or adults entering or leaving the cricket ground or crossing to Pound meadow. This has not been addressed at all</p> <p>We remain strongly against the approval of this application</p>
<p>2 Hawkwell Drive Tring Hertfordshire HP23 5NN</p>	<p>I object to the above proposal because it may well carry a health risk and will be extremely unsightly.</p> <p>Why is a mast of seventeen and a half metres even being considered in a residential area? We already have a high mast which was put up without any consultation or thought for the residents, and when it was put up I was unable to get a television signal and had to pay £100 to have a booster installed. Please make the installers take it down and do not let them put up an even higher one in a residential area such as ours. If the radiation issue affects us it may well affect dogs being walked and other animals too, and the wider ecology.</p>
<p>16 Hawkwell Drive Tring Hertfordshire HP23 5NN</p>	<p>The proposed mast will be significantly taller than the current one and will be an eyesore, towering several meters above the tree line. As such, it may also result in the devaluation of neighbouring properties.</p> <p>Currently, there is no specific research on the safety of 5G masts; surely it would be prudent to await the WHO's report, expected next year, before considering such an application?</p> <p>The position of the mast is very close to Pound Meadow, a regular cut through to Tesco and used by numerous Tring School students on a daily basis in term time. Pound Meadow is also used for a variety of recreational activities and, as such, it is totally inappropriate for a mast to be positioned in the vicinity.</p> <p>I believe the mast would be better sited near the bypass, well away from the community and trust the application will not be determined by the potential rental income for the landowner - our children's health must be the priority and I ask you to reject the application.</p>
<p>11 Hawkwell Drive</p>	<p>I wish to place an objection to the application proposing to erect one</p>

<p>Tring Hertfordshire HP23 5NN</p>	<p>17.5m high monopole and 2 No.equipment cabinets, together with ancillary apparatus thereto including Armco barrier. It is entirely unsuitable for erecting in a residential road being too near houses ,traffic and a near by school. It will be an eyesore spoiling the area near to it. It may pose a danger particularly to children..</p>
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ITEM NUMBER: 5f

21/03794/FHA	Construction of top lit rear dormer, top lit extension to existing rear dormer, and front rooflight	
Site Address:	5 Hamilton Road, Berkhamsted, Hertfordshire, HP4 3EF	
Applicant/Agent:	Ms J Bastiman	Mr Andy Laight
Case Officer:	Briony Curtain	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted East
Referral to Committee:	Contrary views of Berkhamsted Town Council	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 The proposed development is acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The Conservation Officer is satisfied that the proposed development would have a neutral impact on the character, appearance and historic interest of the Berkhamsted Conservation Area. The dormers are subservient in size and scale to the parent property. Their design and visual impact is acceptable and would harmonise with the parent property and integrate into the existing varied streetscape.

2.2 The proposal would not have any adverse impacts on the residential amenities of neighbouring properties by being visually overbearing or resulting in a loss of light or privacy, to the contrary with regard to overlooking the proposals would represent a betterment when compared to the existing situation and to a previously approved scheme (see background section below). There would be no adverse impact on the road network or any parking stress.

2.3 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS11, CS12, CS27, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004), the Parking Standards Supplementary Planning Document (2020) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. SITE DESCRIPTION

3.1 The application property comprises a relatively modern chalet-style bungalow located at the south eastern end of Hamilton Road within the Berkhamsted Conservation area. Hamilton Road is an unmade no through road with access from Kitsbury Road. Levels fall to the north east within the site such that the bungalow occupies an elevated position on the plot. The site area is 0.042 ha.

3.2 The bungalow occupies the end plot within Hamilton Road and has a front garden and parking area to the front. Surrounding properties comprise predominantly 19th Century terraced housing. Levels fall to the north towards Charles Street so that the properties on Hamilton Road are set above those on Charles Street below.

4. PROPOSAL

4.1 Planning permission is sought for the construction of a top-lit rear dormer, a top-lit extension to the existing rear dormer, and a front roof light.

4.2 The proposed additional dormer will measure 3m in width, be sited at the same height as the existing dormer, be entirely constructed of lead cladding to the rear and side elevations and comprise a single roof light within the flat roof to provide light/aspect. As such, there will be no rear facing fenestration. The proposed dormer will serve an existing bedroom and will replace two existing velux roof lights.

4.3 In addition it is also proposed that the existing rear dormer is extended by 1.25m further to the left and would again be entirely clad to the rear elevation comprising a single top roof light within the flat roof to provide light. As such, there will be also no rear facing fenestration in the extended part of the dormer.

4.4 A velux roof light is proposed to the left-hand side of the front roof slope.

5. BACKGROUND

5.1 Planning permission was granted on 7th July 2021 for the construction of single storey side/rear and first floor extensions, rear dormer, front and rear roof lights, under planning application 21/01883/FHA. Subsequent concerns were raised in relation to the rear dormer, overlooking and a loss of privacy. It has since been concluded that the dormer as already approved would in fact result in harm to the residential amenities of No.4 North Road by virtue of an increase of overlooking. The other development proposals approved under 21/01883/FHA are not in contention and remain acceptable as per that permission.

5.2 The additional dormer as approved under application 21/01883/FHA is not subject to a condition requiring the window to be obscure glazed and, due to its situational relationship and proximity to the neighbouring property, would result in a harmful increase in overlooking to the rear garden and rear patio doors of No 4 North Road. The overlooking resulting from the approved dormer is at an increased and intensified level when compared to the existing dormer window, which is obscured to a limited level and is located at the far end of the property in relation to No.4 North Road. The rear dormer is also considered to cause more harm than the existing two velux roof lights, due to the increased amount of glazing and increased perceptions of being overlooked. As such, subsequent to the grant of planning permission, it has been concluded that the development as approved results in harm to the residential amenities of adjacent properties and would be contrary to Policy CS12.

5.3 It is therefore concluded that the granting of this part (the rear dormer) of planning application ref: 21/01883/FHA was done in error. As such, the Council considers it expedient to use its powers under s.97 of the Town and Country Planning Act 1990 to amend the above planning permission, effectively to remove planning permission for the rear dormer.

5.4 The matters described above have been drawn to the attention of the applicant and is the reason for the current revised application. The current proposal, in part, seeks to resolve the concerns and issues with the previous consent.

5.5 Whilst the Council has not yet taken formal action to amend the approved planning permission, sufficient written assurances from the applicant that they will not commence works on the approved scheme have been received. Therefore, despite being told by the Council that the Council needs to revoke part of a granted scheme, the applicant has cooperated fully with the Council in an attempt to resolve matters.

5. PLANNING HISTORY

Planning Applications:

21/01883/FHA - Single Storey Side Extension. Extension to Rear Dormer and Rooflights to Existing Flat Roof.

GRA - 7th July 2021

21/02932/LDP - Construction of a rear dormer

WDN - 6th September 2021

4/01408/09/DRC - Details of materials as required by condition 2 of planning permission 4/00911/09 (single storey side/rear and first floor extensions. Rear dormer and front and rear rooflights)

GRA - 12th October 2009

4/00911/09/FHA - Single storey side/rear and first floor extensions. rear dormer and front and rear rooflights

GRA - 21st July 2009

4/00764/09/LDP - Single storey rear extension

GRA - 2nd July 2009

4/02185/07/CAC - Demolition of bungalow

REF - 29th November 2007

4/02184/07/FUL - Construction of three dwellings

REF - 29th November 2007

4/01072/07/CAC - Demolition of chalet bungalow

WDN - 28th June 2007

4/01028/07/FUL - Construction of three dwellings

WDN - 11th June 2007

4/00544/07/CAC - Demolition of chalet bungalow

REF - 30th April 2007

4/00461/07/FUL - Demolition of existing bungalow and construction of two dwellings

WDN - 4th April 2007

4/02614/06/FHA - Loft conversion with raised roof, detached garage and rendering of external walls (amended scheme)

GRA - 15th January 2007

4/02007/06/FHA - Loft conversion, front and rear rooflights, replacement windows, detached garage and rendering of external walls

REF - 3rd November 2006

Appeals:

4/02184/07/FUL - Development Appeal

- 7th July 2008

6. CONSTRAINTS

Article 4 Directions: Hamilton Road No's: 1-4

CIL Zone: CIL1

Berkhamsted Conservation Area

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: Green (15.2m)

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

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

Parking Standards: New Zone 3

EA Source Protection Zone: 2

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 (2021)

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

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

Relevant Policies:

Core Strategy:

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

CS27 – Quality of the Historic Environment

CS29 - Sustainable Design and Construction

Dacorum Borough Local Plan:

Appendix 7 – Small Scale House Extensions

Supplementary Planning Guidance/Documents:

Berkhamsted Conservation Area Character Appraisal (2014)

Accessibility Zones for the Application of Car Parking Standards (2020)

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, impact on visual amenity and impact on Conservation Area;
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 a well-established residential area of the town of Berkhamsted wherein appropriate development is encouraged in accordance with Policy CS4 of the Core Strategy 2013. The proposal is thus acceptable in principle subject to a detailed assessment of its impact and compliance with all other relevant planning policies.

Quality of Design / Impact on Visual Amenity / Impact on Berkhamsted Conservation Area

9.3 The application site is located within the Berkhamsted Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on local planning authorities with respect to any buildings or other land in a conservation area. In particular, there is a requirement for special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

9.4 Further the NPPF (2021) Section 16, paragraph 199 includes that that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

9.5 Policy CS27 of the Dacorum Core Strategy (2013), seeks to ensure development will positively conserve and enhance the appearance and character of conservation areas. This is echoed by Saved Policy 120 of the Dacorum Local Plan (2004) which states that new developments, alterations or extensions to existing buildings in the conservation areas will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area.

9.6 Whilst concern was initially expressed by the Conservation team in relation to the size and dominance of the rear dormers, the dormer extension has now been reduced slightly in width, is set away from the side wall by 1m and having reviewed the scheme and the siting of the property within the conservation area, they have concluded that no harm would be caused. It is noted that *'The dwelling is located within zone 3 of the Berkhamsted conservation area which is mainly characterised by 19th century terraced housing. This part of the area has a mixed character with mid and late 20th century garages and some dwellings as well as the historic terraced dwellings. The site is a backland development adjacent to the end of the terrace set back from the building line. As such it is not particularly visible from the street (Hamilton Road) until close up'*.

9.7 The conservation Officer goes on to conclude that *'the existing building does not make a positive contribution to the character of the conservation area and could be considered somewhat out of keeping given the surrounding 19th century dwellings'*. Only very limited glimpse of the existing front

roof slope of the property are visible from North Road. The rear elevation of the property is not visible at all.

9.8 Finally it is concluded that *'Given its position and height we do not believe that the proposals would have an adverse impact on the streetscene and surroundings. Its impact on the character and appearance of the conservation area would be considered nominal. As such any impact would be neutral rather than detrimental to the character of the conservation area'*.

9.9 Given the conclusions of the Conservation team in accordance with paragraph 202 of the NPPF, in this instance given no harm is identified (the impact is concluded as neutral) no public benefits are required.

9.10 It should be noted that no objection was raised by Conservation to the dormer approved under application 21/01883/FHA, which is identical in size and height to that currently proposed.

9.11 Policies CS11 and CS12 of the Core Strategy 2013 require development to integrate with the streetscape character, and respect adjoining properties with regard to layout, site coverage, scale, height, bulk, materials, landscaping and amenity.

9.12 Saved Appendix 7 of the Dacorum Borough Local Plan (DBLP) sets out that;

- Dormers should preferably be located on rear roof slopes,
- Dormers should not extend above the ridgeline of the existing roof, but should be brought as far as possible below the ridge,
- The dormer margins should be set in a minimum of 1m from the flank walls and set in from the main rear wall
- Dormers should be clad in materials similar in appearance to the existing roof.

9.13 The proposed additional dormer and enlarged dormer both comply fully with all of the prescribed criteria of Appendix 7. They are both set 1m away from the side walls of the existing property, set down from the main ridgeline, set back from the rear wall and are clad in matching materials such that they would respect the existing property and successfully integrate into the existing roof scape to comply with CS11 and CS12. The dormers whilst visible from surrounding properties would appear as subservient features to the roof and are considered acceptable in visual and design terms.

9.14 The additional front roof light would not result in any visual harm to the property, the street scene or this part of the Conservation Area. There are many similar examples in the area such that it would harmonise well.

9.15 It is concluded that the proposals comply with S72 of the Act, Section 16 of the NPPF, Policies CS11, CS12 and CS27 of the Core Strategy 2013 and Saved Appendix 7 of the DBLP.

Impact on Residential Amenity

9.16 The dormers as now proposed will not result in harm to the residential amenities of adjacent and surrounding properties with regard to light, privacy or visual intrusion. Indeed, with regard to overlooking, they would actually result in a significant betterment; replacing two existing velux roof lights with a dormer that comprises no rear facing fenestration.

9.17 The existing rear roof slope of the application property contains two velux roof lights, which serve a bedroom. The two roof lights are not obscured and are openable such that given their height in the room and relationship with No. 4 North Road (which occupies an elevated position) they currently overlook the rear garden area of No.4.

9.18 The enlarged dormer as now proposed would have a neutral impact on overlooking as the existing rear facing window would remain as per the existing situation but the extension to it would comprise no fenestration (this is evident from the plans and would be thus conditioned for the avoidance of doubt). The overall visual impact of this part of the proposal would be comparable to the existing situation and given the enlarged part is set further away from the properties of North Road it would not appear overly dominant or visually intrusive to any surrounding properties.

9.19 The additional dormer as now proposed replaces the two existing velux windows and would therefore significantly reduce overlooking levels between the application site and No. 4 North Road to the rear. The proposal thus represents a betterment. The plans make clear that the proposed dormer is entirely clad to the rear with no fenestration/glazing proposed (an annotation has been added for the avoidance of doubt) and a condition placed on any permission would ensure this is retained in perpetuity. With regard to its visual impact, the dormer is not excessive in size, would be viewed against the backdrop of the taller parent property and is set away from the common boundary with No. 4 North Road such that it is not concluded to appear unduly prominent or visually intrusive to the detriment of their residential amenity.

9.20 The front roof light would face the rear of the properties in Charles Street, however given the separation distance and the fact these are at a lower level there would be no harm with regard to privacy or overlooking. In addition, it is important to note that there is an existing front facing dormer window to No. 5 Hamilton Road which already permits greater views over the Charles Street properties than the velux window now proposed.

9.21 The proposal complies with Policy CS12 in this regard.

Impact on Highway Safety and Parking

9.22 The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), Saved Policy 58 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.23 There are no changes to the number of bedrooms as a result of the proposal so no additional parking is required.

9.24 No changes have been proposed to the existing site access.

Response to Neighbour / Town Council Comments

9.25 Berkhamsted Town Council object to the proposal due to overlooking, overdevelopment, light pollution and lack of detail on the plans. Concerns were expressed in relation to the scale, mass, bulk and the dormers were considered out of keeping in the Conservation Area. Overlooking and the impact on adjacent and surrounding properties have been addressed above; the proposal would result in a betterment. The size, scale and visual impact has been addressed above; the proposal is concluded to have a neutral impact on the conservation area and complies with all the relevant policies.

9.26 With regard to overdevelopment this is defined as '*An amount of development (for example, the quantity of buildings or intensity of use) that is excessive in terms of demands on infrastructure and services, or impact on local amenity and character*'. This application proposes roof additions only, no increase in the number of bedrooms within the property and the footprint of the building remains as per the existing such that the overall ratio of building to land and the parking, amenity and service space in and around the building remains exactly the same as the existing.

9.27 Turning to light pollution the site is located within a densely populated part of the town of Berkhamsted and is surrounded by residential dwellings. Light pollution and light spill levels as a result of the proposed development would be no worse than those that of all surrounding existing properties which feature windows within their elevations and roof scapes, in fact it may be less as the only fenestration proposed faces the sky.

9.28 The plans have been revised since the receipt of the Town Councils comments and annotations have been added to make it clear that the proposed dormer will not comprise any rear fenestration/glazing. It is considered that it is already clear from the floor plans and elevations that no glazing is proposed to the rear of the dormer enlargement. The materials are clearly set out on the application form and approved plans; lead cladding. A condition specifying these out will also be included.

9.29 It should also be noted that Berkhamsted Town Council raised no objection to the dormer approved as part of application 21/01883/FHA which as set out above comprises a rear facing window and is of identical size to that now proposed.

9.30 Three representations have been received from neighbours objecting to the proposals and expressing concerns with regard to visual intrusion, overlooking, loss of privacy and amenity, out of scale with existing area, lack of ability to use garden, light pollution, lack of notification/consultation. The majority of these points have been addressed above.

9.31 With regard to publicity, all necessary procedures have been followed. Immediate neighbours have been notified directly in writing and a site notice has been displayed as part of this application. (Photographic evidence of its siting within Hamilton Road at the entrance to the site has been received and despite it being at a low level it was clearly visible for some distance along the track when a site visit was undertaken).

Community Infrastructure Levy (CIL)

9.32 The development would not be CIL liable.

10. RECOMMENDATION

10. That planning permission/listed building consent 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. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

DBC / 21 / 6 / 2B

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

3. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed within the roof, other than the roof lights to the existing flat roof permitted under 21/01883/FHA.**

Reason: to safeguard the residential amenities the residential amenities of the locality, having regard to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

4. **The rear and side elevations of the new dormer and the dormer extension hereby permitted shall be entirely lead clad, shall not comprise any glazing/fenestration, and shall be thereafter maintained as such.**

Reason: For the avoidance of doubt and to protect the residential amenities of the locality, having regard to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

5. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form and approved plans.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area and to safeguard the character and appearance of the Conservation Area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant before and 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
Conservation & Design (DBC)	<p>Revised comments</p> <p>The existing bungalow is a single storey structure which dates from the second part of the 20th century. It is rendered and has a pitched slate roof and has minimal architectural interest. It is located at the end of Hamilton Road a short terrace of Victorian houses. The site is a backland development adjacent to the end of the terrace set back from the building line. As such it is not particularly visible from the street until close up. To the south are a group of late 20th century two storey semi-detached dwellings on rising land. To the east is a two storey terraced housing of 19th century with a later rear extension towards the</p>

bungalow.

The statutory duty under Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Framework states that in considering development proposals great weight should be given to the conservation of heritage assets. The local policy CS27 seeks to protect the integrity setting and distinctiveness of heritage assets. The dwelling is located within zone 3 of the Berkhamsted conservation area which is mainly characterised by 19th century terraced housing. This part of the area has a mixed character with mid and late 20th century garages and some dwellings as well as the historic terraced dwellings.

The existing building does not make a positive contribution to the character of the conservation area and could be considered somewhat out of keeping given the surrounding 19th century dwellings. Given its position and height we do not believe that the proposals would have an adverse impact on the streetscene and surroundings. Its impact on the character and appearance of the conservation area would be considered nominal. As such any impact would be neutral rather than detrimental to the character of the conservation area.

When considering the proposals we note that there are 3 category's of harm substantial, less than substantial and no harm. The proposals do not cause substantial harm to the conservation area. We consider that the proposal would have a neutral impact on the conservation area. As such it would not have less than substantial harm. Therefore the balancing exercise does not need to be engaged.

Recommendation: The proposal would not cause harm to the designated heritage asset. Therefore we would not object. External materials subject to approval.

Original Comments;

5 Hamilton Road is a detached bungalow property (20th century) set back from Hamilton Road, it lies within the Berkhamsted Conservation Area but is at odds with the 19th century terraced properties locally.

An additional dormer to the rear roof slope was approved under application 21/01883/FHA, the approved dormer was of a similar size to the existing rear dormer and set in from the eaves, the dormers to 5 Hamilton Road (front and rear) would all be of similar scale and represent reasonably subordinate additions to the roof slope.

However, the proposed enlargement of the existing rear dormer,

	<p>extending it right across to the eaves to create a dormer nearly 5 metres wide will result in this dormer being an overly dominant element upon this rear elevation and is not considered acceptable on this basis. The proposal does not accord with policy CS27, recommend refusal.</p>
<p>Berkhamsted Town Council</p>	<p>Revised Comments</p> <p>Objection</p> <p>There was an objection to the proposed plans for the rear dormer as it would directly overlook the garden and living space of the neighbour at the rear of the property, resulting in a significant loss of amenity and of privacy. It was also considered that the proposed plans are a gross overdevelopment of the property in terms of scale, mass and bulk and are not in keeping with the conservation area. There was also an objection on the grounds of light pollution. It was also noted that the drawings for the proposed dormers are not clear on matters of materials or glazing.</p> <p>CS11, CS12, CS27</p> <p>Original comments; Objection</p> <p>The Committee objected to the proposed plans for the rear dormer as it would directly overlook the garden and living space of the neighbour at the rear of the property, resulting in a significant loss of amenity and of privacy. The Committee also consider that the proposed plans are a gross overdevelopment of the property in terms of scale, mass and bulk and are not in keeping with the conservation area. The Committee also objected on the grounds of light pollution.</p> <p>CS11, CS12</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
10	3	0	3	0

Neighbour Responses

Address	Comments
4 North Road Berkhamsted Hertfordshire HP4 3DU	<p>I object to the proposed development as it is in extremely close proximity to my garden and is a huge invasion of my privacy.</p> <p>I am also objecting on the following grounds: -</p> <ul style="list-style-type: none"> - This is a significant development within Berkhamsted's conservation area. - The scale is unknown and without precedent. - I will lose significant privacy within my garden. - I will lose amenity. - The light pollution cast onto the garden is unreasonable. - It will affect my family's ability to use the garden space. <p>This lacks necessary detail. There is no information re materials, windows, restrictions. Is this superseding previous applications? Is the ground floor extension still happening and if so why is it not shown?</p> <p>This process is to show affected residents clear plans of any potential development clearly and in scale but it's very confusing what is actually being proposed other than 2 very large dormers.</p>
6 North Road Berkhamsted Hertfordshire HP4 3DU	<p>The present window is very visible from my rear bedroom window and usually well lit at night. To double the size of this window I feel may result in loss of privacy as well cause visual intrusion. I do not think it will be in keeping with the character of the area</p>
1 Hamilton Road Berkhamsted Hertfordshire HP4 3EF	<p>I notice that the previous application was quite rightly rejected by the Committee and I see no reason why the same is not applicable for the revised application. It should be noted that we have not received any notification of this application and that with the previous application the notice was removed from the lamp post and relocated behind the bins of Number 5, thereby concealing the notice of planning from public view.</p>

ITEM NUMBER: 5g

21/04291/FHA	Installation of Air Source Heat pump adjacent to North east facing wall of the dwelling.	
Site Address:	12 Fieldway, Berkhamsted, Hertfordshire, HP4 2NX	
Applicant/Agent:	Councillor Garrick Stevens	
Case Officer:	Heather Edey	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted East
Referral to Committee:	Applicant is a Councillor	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 Whilst planning permission is not usually required for the installation of an air source heat pump on or within the curtilage of a domestic premises, the current proposal fails to accord with the conditions and limitations set out under Schedule 2, Part 14, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015, (i.e. given that the proposal would have a volume of 0.8 cubic metres), and as such, planning permission is required in this instance.

2.2 The proposed development is acceptable in principle in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). Furthermore its modest scale, height and discreet positioning on the site, mean the development is not considered to be unacceptable in design terms, noting that the new air source heat pump would not be visible within the streetscene or public vantage points and would sufficiently integrate with existing back garden paraphernalia.

2.3 The new air source heat pump would not adversely affect the visual amenity of neighbouring properties in terms of being visually overbearing or resulting in a significant loss of light. In addition to this, given the nature of the proposed new unit and its positioning in relation to neighbouring properties, it is not considered that the proposal would cause significant disturbance to neighbouring properties by way of generating significant levels of noise.

2.4 The proposal would not involve any alterations to the existing site access or public highway. Moreover, the proposed development would not alter the existing car parking arrangements or generate the requirement for additional off-street car parking provision to be provided and as such, it is not considered that the proposal would generate any highway/pedestrian safety or parking concerns.

2.5 Given everything considered above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

3. SITE DESCRIPTION

3.1 The application site comprises a two storey detached dwellinghouse, situated off Fieldway within a designated residential area of Berkhamsted.

4. PROPOSAL

4.1 Planning permission is sought for the installation of a Viessmann Vitocal 200-A air source heat pump along the flank elevation of the main house, positioned 4.7m away from the front elevation of the main house and 1.5m away from the existing boundary fencing, (separating the application site from neighbouring properties 16 and 18 Fieldway). The new air source heat pump would measure approximately 1.1m wide, 1.4m high and 0.51m deep, therein amounting to a volume of 0.8m³.

5. PLANNING HISTORY

Planning Applications : None

Appeals : None

6. CONSTRAINTS

CIL Zone: CIL1

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: Green (15.2m)

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

Residential Character Area: BCA1

Parking Standards: New 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 (2021)

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 (2020)

Planning Obligations (2011)

Roads in Hertfordshire, Highway Design Guide 3rd Edition (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.

Permitted Development

9.2 Planning permission is not usually required for the installation of air source heat pumps on or within the curtilage of domestic premises. These rights are however subject to the developments' accordance with all of the conditions and limitations set out under Schedule 2, Part 14, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015.

9.3 Whilst the current proposal would largely accord with the conditions and limitations set out under this legislation, the volume of the air source heat pump's outdoor compressor unit would slightly exceed the 0.6 cubic metre set out under criteria d), with the current proposal amounting to a volume of 0.8 cubic metres. As such, formal planning consent is required to carry out the proposed works.

Principle of Development

9.4 The site is situated within the residential area of Berkhamsted, 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 in these areas. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) states appropriate residential development is encouraged in residential areas. Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013) make clear that development which is sustainable and seeks to reduce carbon emissions will be encouraged.

9.5 In light of the above policies, the proposal for the installation of a new air source heat pump in Berkhamsted is acceptable in principle.

Quality of Design / Impact on Visual Amenity

9.6 The NPPF (2021) 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.

9.7 The application proposes the installation of an air source heat pump along the flank elevation of the main house.

9.8 The proposed air source heat pump would be modest in scale and height, measuring approximately 1.1m wide, 1.4m high and 0.51m deep. Taking this into account and given its positioning on the site, (it would be positioned 4.7m away from the front elevation of the main house and set behind a side entrance gate), the new air source heat pump would not be visible within the streetscene or from any public vantage points.

9.9 In design terms, the proposed air source heat pump would comprise a visual appearance in keeping with that of standard air source heat pumps, being predominantly finished in a mix of silver and black metal and plastic.

9.10 Given its modest scale and siting, it is not considered that the new unit appear an overtly prominent addition to the site and it would sufficiently integrate with existing back garden paraphernalia.

9.11 In light of 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) and the NPPF (2021).

Impact on Residential Amenity

9.12 The NPPF (2021) 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.

9.13 The application site shares boundaries with neighbouring properties 10, 14, 16, 18 and 20 Fieldway.

9.14 Given the modest scale and height of the proposed air source heat pump, and noting its discreet positioning on the site, (i.e. screened from view by existing boundary fencing), it is not considered that the proposal would appear visually overbearing or that it would adversely affect the lighting levels received by these neighbouring properties.

9.15 Given its siting and the orientation and the siting of neighbouring properties 10, 14 and 20 Fieldway, it is not considered that the proposal would have any adverse impacts on the residential amenity in terms of generating significant levels of noise or disturbance.

9.16 Whilst only positioned 1.5m away from the shared boundary fencing with neighbouring properties 16 and 18 Fieldway, the new air source heat pump would retain separation distances of over 10m from these neighbouring properties. Taking this into account, and noting that the proposed air source heat pump be barely audible, (it would only generate a sound pressure level of 35 dB (A) up to a distance of 3m from the unit), it is not considered that the proposal would generate significant noise or cause disturbance to these neighbouring properties.

9.17 The Environmental Health team have been consulted and have raised no objection considering the risk of noise intrusion generated by the air source heat pump to be very low.

9.18 Given the above assessment, the proposal is considered to be acceptable in terms of its impact 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 NPPF (2021).

Impact on Highway Safety and Parking

9.19 The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), the Parking Standards Supplementary Planning Document (2020) 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.

9.20 The proposal would not involve any alterations to the existing site access or public highway, and as such, it is not considered that the works would generate any highway or pedestrian safety concerns.

9.21 The proposal would not alter the existing car parking arrangements or generate the requirement for any additional off-street car parking provision to be created.

9.22 The proposal is therefore acceptable on parking/highway safety grounds, in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), the Parking Standards Supplementary Planning Document (2020), Saved Policy 58 of the Local Plan (2004) and the NPPF (2021).

Other Material Planning Considerations

Sustainability

9.23 Paragraph 11 of the NPPF (2021), and Policies CS28, CS29 and CS32 of the Dacorum Borough Core Strategy (2013) all seek to ensure that planning decisions apply a presumption in favour of sustainable development.

9.24 Air source heat pumps are a renewable heating technology that utilise the heat in outdoor air in order to create environmentally responsible and cost effective heating. Given that the proposed air source heat pump would therefore aid in the reduction of carbon emissions, it is considered that the proposal would be more sustainable than the existing heating system.

Response to Neighbour Comments

9.25 No neighbour comments or objections have been received.

Community Infrastructure Levy (CIL)

9.26 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 It is recommended that the application be approved.

10.2 Whilst planning permission is not usually required for the installation of an air source heat pump on or within the curtilage of a domestic premises, the current proposal fails to accord with the conditions and limitations set out under Schedule 2, Part 14, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015, (i.e. given that the proposal would have a volume of 0.8 cubic metres), and as such, planning permission is required in this instance.

10.3 The proposed development is however considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). Furthermore, noting its modest scale and height and discreet positioning on the site, it is not considered that the proposal would be unacceptable in design terms. The new air source heat pump would not be visible within the streetscene or from public vantage points and would sufficiently integrate with existing back garden paraphernalia.

10.4 The new air source heat pump would not adversely affect the visual amenity of neighbouring properties in terms of being visually overbearing or resulting in a significant loss of light. In addition to this, given the nature of the proposed new unit and its positioning in relation to neighbouring properties, it is not considered that the proposal would cause significant disturbance to neighbouring properties by way of generating significant levels of noise.

10.5 The proposal would not involve any alterations to the existing site access or public highway. Moreover, the proposed development would not alter the existing car parking arrangements or generate the requirement for additional off-street car parking provision to be provided and as such, it is not considered that the proposal would generate any highway/pedestrian safety or parking concerns.

10.6 Given everything considered above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

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 fully in accordance with the following approved plans/documents and shall be thereafter maintained as such:**

**Drawing B
Location Plan
Comments for Installation Document
Viessmann Vitocal 200-A Datasheet Document**

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

Informatives:

- 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town Council	No objection.
Environmental And Community Protection	CONTAMINATED LAND

(DBC)	<p>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.</p> <p>ENVIRONMENTAL HEALTH</p> <p>No objection - the risk of noise intrusion relating to the air source heat pump is very low.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
14	0	0	0	0

Neighbour Responses

Address	Comments

Agenda Item 5h

ITEM NUMBER: 5h

22/00190/NMA	Non-material amendment to planning permission 4/03034/18/FHA (Demolition of existing garage and sheds and construction of a new garden studio, workshop and garage).	
Site Address:	12 Puller Road, Hemel Hempstead, Hertfordshire, HP1 1QL	
Applicant/Agent:	Philip Rhoden	
Case Officer:	Briony Curtain	
Parish/Ward:		Boxmoor
Referral to Committee:	Applicant is spouse of council employee	

1. RECOMMENDATION

That a non-material amendment to planning permission 4/03034/18/FHA be GRANTED

2. SUMMARY

2.1 Section 96A was inserted into the Town and County Planning Act by section 190(2) of the Planning Act 2008 and allows a local planning authority to approve “non-material” amendments (NMA) to planning permissions that it has granted.

2.2 The changes now proposed to the already approved outbuilding/garage are minimal and would not alter the size, scale, quantum or overall visual appearance of the development such that they are concluded to be non-material. The changes would not impact on neighbouring properties. The changes therefore comply with CS11 and CS12 of the Core Strategy 2013 and comply with Section 96A of the Act.

3. SITE DESCRIPTION

3.1 The application property is an end of terrace residential property located towards the southern end of Puller Road, close to St John's Road, Boxmoor. The street contains mostly residential properties from a similar period. The house on the plot sits off Puller Road with the garage and outbuildings to the eastern edge of the site. The point of access into the site is off Puller Road.

4. PROPOSAL

4.1 This application, received by the council on 21.01.22 with accompanying plans and documents, seeks permission for a non-material amendment following the grant of planning permission 4/03034/18/FHA - Demolition of existing garage and sheds and construction of a new garden studio, workshop and garage.

The amendments sought in this application comprise:

- Material changes – approved metal dark grey zinc roof replaced with roof tiles to match parent property and the timber clad walls are now to be brick to match the parent property (see application form and confirmation email).
- Relocation of outbuilding 600mm further from rear boundary (see plans PR.PL.102 B, PR.PL.110.G).

5. PLANNING HISTORY

Planning Applications :

20/00380/NMA - Non material amendment to planning permission 4/00881/19/FHA - single storey glass rear extension, single storey side/rear extension with rooflights, new front porch canopy, replacement of front bay window, enlarged 2nd floor window in side flank wall and insertion of rear access door in place of existing window.

REF - 9th March 2020

20/00870/NMA - Non Material Amendment to Planning Permission 4/00881/19/FHA (Single storey glass rear extension, single storey side/rear extension with rooflights, new front porch canopy, replacement of front bay window, enlarged 2nd floor window in side flank wall and insertion of rear access door in place of existing Window.)

REF - 30th April 2020

20/01038/FHA - Single storey rear extensions, front porch canopy and alterations to front, rear and side fenestration (amended scheme)

GRA - 27th July 2020

4/00881/19/FHA - Single storey glass rear extension, single storey side/rear extension with rooflights, new front porch canopy, replacement of front bay window, enlarged 2nd floor window in side flank wall and insertion of rear access door in place of existing Window.

GRA - 9th July 2019

4/03034/18/FHA - Demolition of existing garage and sheds and construction of a new garden studio, workshop and garage

GRA - 1st February 2019

4/00929/12/LDP - Use of property as a residential care home for up to five children (class c2)

WDN - 7th August 2012

Appeals: NONE.

6. CONSTRAINTS

CIL Zone: CIL3

RAF Halton and Chenies Zone: Yellow (45.7m)

Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)

Residential Character Area: HCA7

Parking Standards: New Zone 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 No consultation is required under S96A.

Neighbour notification/site notice responses

7.2 No consultation is required under S96A.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2021)
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 (2020)
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

9.1 Section 96A was inserted into the Town and County Planning Act by section 190(2) of the Planning Act 2008 with effect from 1st October 2009. It empowers a local planning authority to approve "non-material" amendments (NMA) to planning permissions that it has granted.

9.2 There are several noteworthy features of the NMA application process:

- Unlike an application under section 73, a successful NMA does not result in a new planning permission but amends the original planning permission.
- There is no statutory definition of "non-material".
- There is no requirement on the local planning authority to publicise or undertake consultation with any person about the application.

9.3 Government guidance on non-material amendments is set out in 'Greater Flexibility for Planning Permissions' (2nd Edition, October 2010). It does not define what changes may be treated as being non-material as this will depend on the context of the overall scheme.

9.4 S96A of the Town and Country Planning Act 1990 says the following:

"In deciding whether a change is material, a Local Planning authority must have regard to the effect of the change, together with previous changes made under this section, on the planning permission as originally granted."

9.5 The current application seeks to change the materials to be used on the approved garage/outbuilding roof. The approved metal sheeting is to be replaced with standard roof tiles to match those of the existing parent property and the previously approved timber cladding will now be brick. The overall structure remains exactly as approved albeit with a slightly different appearance. As amended the appearance would be similar to all surrounding residential properties. The materials would match the parent property to harmonise well and the siting of the outbuilding to the rear of the garden means it is not readily visible from public vantage points and as such there would

be no impact on the character or appearance of the wider area and no real effect as a result of the change.

9.6 The relocation of the structure 600mm further within the site and away from the rear boundary would also not alter the overall appearance, size or scale of the approved development. The impact on the neighbours would be similar, or indeed slightly less, as a result of the change.

9.7 On balance, the proposed amendments are considered non-material and would not have an adverse impact on the visual appearance of the site, wider area or the adjacent properties in accordance with Policy CS12 of the Dacorum Borough Core Strategy such that the changes would have no real effect on the planning permission as approved.

9.8 A non-material planning permission sits alongside the original permission and as such all conditions placed on the original consent remain valid. An informative setting this out will be included for the avoidance of doubt.

9. CONCLUSION

9.8 Having regard to all of the above, the amendments shown on the submitted drawings are considered to be non-material to the planning permission as the proposed changes are not significant, would not be materially different to that originally approved and would not contravene any planning policy.

9.9 Taking the above into account, this application is recommended for approval. The amended documents/plans are as follows: PR.PL.110.G, PR.PL.102.B. This application applies only to the amendments listed and no other aspects of the approved scheme.

10. RECOMMENDATION

10.1 That a non-material amendment to planning permission 4/03034/18/FHA be granted.

Condition(s) and Reason(s):

1. No conditions.

Informatives:

1. The amendments shown on the submitted drawings and set out on the application form are considered to be non-material to planning permission; as the proposed changes are not significant, would not be materially different to that originally approved and would not contravene any planning policy.

Therefore, this application has been approved for the amended drawings; PR.PL.102.B, PR.PL.110.G

All conditions placed on the original consent remain valid. This application applies to the amendments listed below:

Material Changes - zinc roof replaced with roof tiles to match the parent property and walls to be brick to match in place of timber cladding.

Re-siting of the outbuilding 600mm further away from the rear boundary.

PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT

(February 2022)

HEADLINES

1. Land at Pipers Hill/ Church Meadow, Pipers Hill, Great Gaddesden – enforcement notice issued in respect of fence.
2. Land at The Old Oaks Hogpits Bottom Flaunden Hemel Hempstead – enforcement notice issued and appeal submitted (Public Inquiry).

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
1	E/06/00470	Land at Hatches Croft, Bradden Lane, Gaddesden Row	Stationing of a mobile home for residential purposes on the land.	12 Sep 08	20 Oct 09	20 Apr 10	No	N/A	Not complied	Successful prosecution, however mobile home remains on site and no land reinstatement has taken place. p/p granted for new dwelling with compliance of EN to follow.
2	E/11/00228	342a High Street, Berkhamsted	Construction of rear dormer	19 Mar 12	26 Apr 12	26 Oct 12	No	N/A	Not complied	Latest application to regularise matters (646/17) refused 09 May 17. No appeal submitted. Prosecution not expedient provided finishing materials are agreed with Conservation Officer.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
3	E/14/00494	Land at Hamberlins Farm, Hamberlins Lane, Northchurch	MCOU of land from agriculture to construction / vehicle / storage yard.	11 May15	11 Jun 15	11 Dec 15 (for all steps)	Yes, appeal dismissed	17 Dec 16	Partly complied	All vehicles, materials, machinery have been removed. Works now taken place to remove bund. Need to consider Offence.
4	E/15/00301	Land at Piggery Farm, Two Ponds Lane, Northchurch	MCOU of land from agriculture to non-agricultural storage yard; MCOU of building to private motor vehicle storage; construction of raised hardsurface	15 Jul 16	15 Aug 16	15 Feb 17 (for all steps)	Yes, appeal dismissed (other than use of building)	25 Nov 17	Partly complied	Most vehicles removed from the land. Visit confirmed that hard surfaced area has been removed, bund of material arising still on site awaiting removal. Planning granted: 1937/19. Further site visit needed to check material removed and to check compliance with conditions of permission.
5	E/14/00453	Land at Barnes Croft, Barnes Lane, Kings Langley	Construction of brick garage, brick link extension, and rear sun room.	17 Nov 16	19 Dec 16	19 Dec 17 (for all steps)	Yes, appeal dismissed	19 Jan 19 (for all steps)	Partially complied	Rear sun room has been demolished. P/P refused for alterations to and retention of detached garage block (3177/18/FHA). Appeal also dismissed. New app. (20/02400/FHA) granted. *Works to remove garage block have started*.
	CASE REF.	LOCATION	BREACH	DATE	EFFECTIVE	COMPLIANCE	APPEAL	NEW	RESULT	NOTES / FURTHER

				ISSUED	DATE	DATE		COMPLIANCE DATE		ACTION
6	E/16/00449	Farfield House, Chesham Road, Wigginton	Construction of side and rear extension and detached double garage.	23 Jan 17	22 Feb 17	22 Aug 17	No	N/A	Not complied	Planning permission for amended scheme (844/17/FHA) granted. Need to ensure implementation.
7	E/16/00052	Land at Hill & Coles Farm, London Road, Flamstead	MCOU of land to commercial compound/storage of materials and plant, & creation of earth bund.	08 Mar 17	07 Apr 17	07 Oct 17	No	N/A	Partially Complied	EN has been broadly complied with. Land has now been restored, but some elements of material storage have returned. Site visit required to confirm compliance and to continue investigation at other locations within site.
8	E/17/00103	55 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors in discussion with the Conservation Officer to confirm final details of replacement fenestration. *Installation due later in Jan – Feb 2022*
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE	RESULT	NOTES / FURTHER ACTION

								DATE		
9	E/17/00104	59 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors in discussion with the Conservation Officer to confirm final details of replacement fenestration. *Installation due later in Jan – Feb 2022*
10	E/16/00161	Lila's Wood, Wick Lane, Tring	MCOU – use of woodland for wedding ceremonies; creation of tracks; erection of various structures.	27 July 17	25 Aug 17	25 Nov 17 (for all steps)	Yes, appeal dismissed	12 July 18 (for all steps)	Not complied	Requirements not met in full. Permitted development rights being used as 'fall-back' position but items not being removed between events. Planning application 19/02588/MFA refused – appeal outstanding / weddings have recommenced.
11	E/17/00296	68 Oak Street, Hemel Hempstead	Construction of raised concrete parking platform.	28 July 17	29 Aug 17	29 Nov 17	Yes, appeal dismissed	28 Nov 18	Not complied	Appeal dismissed. Correspondence sent to owner 20.01.20 to request application/ compliance. *Application 21/02858/FUL – granted. Check needed - approved scheme has been implemented?*
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION

12	E/17/00407	Land at The Hoo, Ledgemore Lane, Great Gaddesden	Construction of new road, turning area and bund.	29 Nov 17	29 Dec 17	29 Jun 18 (for all steps)	Yes, appeal dismissed	29 Apr 19 (for all steps)	Partly complied	Application for twin tracks approved 20/03945/FUL – works already undertaken to remove a lot of material. Final compliance check required and then removed from this list.
13	E/17/00220	17 Langley Avenue, Hemel Hempstead	Construction of raised decking, timber steps and associated fencing and supports.	17 Jan 18	17 Feb 18	17 Apr 18	Yes - appeal allowed (ground g) notice upheld subject to variations	03 July 19	N/A	Appeal allowed in respect of ground (g) (time limits) & Notice upheld subject to the variations. Planning application 01117/19 Granted for re-configuration. Compliance check required.
14	E/16/00104	40 Tower Hill Chipperfield	MCOU of land from residential garden to commercial car parking/storage and associated laying of hardstanding.	06 Mar 18	05 Apr 18	05 Apr 18 (for all steps)	No	N/A	Partly Complied	Enforcement Notice compliance period has passed. Cars have been removed from the site. Hardstanding not removed. In discussions with executor of estate.
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION

15	E/11/00153	Field adj. New Lodge, London Road, Berkhamsted	Untidy condition of land.	14 Sep 18	14 Oct 18	14 Dec 18	Yes	N/A	N/A	S.215 Notice served. Notice was challenged at Magistrates Court. Court outcome was that the 215 notice was quashed, but a court order was handed down to the defendant for them to comply with. Some items could remain on the site, but needed to be re-positioned. This has not been complied with. Further action to be considered.
16	E/18/00385	Site of Smallgrove Farm, Windmill Road, Pepperstock	Creation of a large bund using imported material.	11 Mar 19	11 Apr 19	11 Apr 20	Yes/ dismissed	01 Oct 21	N/A	*compliance deadline has passed. Need to undertake compliance check*.
17	E/18/00408	28 Boxwell Road, Berkhamsted	Demolition of wall and creation of parking area	09 Sep 19	09 Oct 19	09 Dec 19	Yes	30 Jul 20	N/A	EN served following dismissal of planning appeal regarding same development. Appeal dismissed – new compliance date 30 July 2020. Compliance check undertaken and application 20/03416/FHA not dealt with under s70(c). Next steps being considered.
18	E/19/00321	Land at Featherbed Lane, Hemel Hempstead	Change of use to residential, siting of mobile homes and	11 Sep 19	09 Oct 19	09 Jan 19	Yes	N/A		Status quo injunction sought and granted 23 Aug 2019 (made

			operational development including laying hard standing and erection of fencing							final 20 Sep 2019). Public Inquiry took place in May 2021. Permanent planning permission refused – 5 year temporary permission granted, limited to one pitch (two caravans). *Need compliance check to see how site currently being used*
19	E/19/00302	Lock Cottage, Ravens Lane, Berkhamsted	LBEN: Demolition of wall within curtilage of listed building	13 Sep 19	12 Oct 19	12 Jan 20	Yes/ dismissed	N/A		Compliance required by 03 Feb 2021. *In discussion with new owners regarding compliance*
20	E/19/00302	Lock Cottage, Ravens Lane, Berkhamsted	EN: Demolition of a wall in a conservation area and creation of a raised parking area	13 Sep 19	12 Oct 19	12 Jan 20	No	N/A		LBEN decision issued – notice upheld and wall considered part of the Listing. *In discussion with new owners regarding compliance*
21	E/18/00558	123 George Street, Berkhamsted	Breach of condition in relation to approved drawings 4/01759/16/FHA.	31 Jan 20	31 Jan 20	30 April 20	N/A	N/A		Breach of condition notice issued following unsuccessful negotiations. Additional roof lights causing negative impact.
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION

22	E/20/00023/ MULTI	Haresfoot Farm, Chesham Road, Berkhamsted	Construction of unauthorised buildings, hard surfaces and importation and processing of waste materials.	19 Feb 20	20 Mar 20		Yes / split decision	18 Dec 21		Appeal decision split, planning permission granted for a number of buildings and uses on the site, enforcement notice upheld in relation to some matters. New compliance date 18 Dec 21. Site visit required to check for compliance. *Further notices in abeyance whilst new planning applications are being considered*
23	E/20/00163/ NAP	The Walled Garden, Stocks Road, Aldbury	Breach of condition 17 of permission 4/02488/16/FUL.	27 May 20	27 May 20	27 Aug 20	N/A	N/A		Breach of condition notice issued: approved plans. The garage at this site had not been built in accordance with the approved scheme - loss of features such as bug hotels and flint elevations. Variation application 20/01656/ROC not yet determined.
24	E/20/00088/ NPP	Land east of Watling Garth, Old Watling Street, Flamstead	Construction of a building, gabion walls, widening of an existing access, formation of two vehicular access points and roadways within the site.	17 Jul 20	28 Aug 20		Yes			Appeal conjoined with 3 x planning appeals for refusals of numerous developments at this site. Statements submitted and awaiting PINs decision(s)
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
25	E/20/00249/	57 St Johns Road,	Installation of UPVC	25 Sep 20	27 Oct 20	27 Oct 23	Yes /	26 May 24		Appeal submitted –

	LBG	Hemel Hempstead	windows in listed building.				dismissed			appeal dismissed, notice upheld. Homeowner now has until 26 May 2024 to comply.
26	E/20/00101/ NPP	121 High Street, Markyate	Installation of extraction system and flue on listed building.	05 Oct 20	02 Nov 20	02 March 21	Yes / dismissed	10 Sep 21		Appeal submitted – appeal dismissed – new compliance date 10 September 2021. *No compliance – need to consider next steps*.
27	E/19/00378	199 High Street, Berkhamsted	Installation of a traffic control barrier to the side of the building.	19 Nov 20	21 Dec 20	21 Jan 21	Yes/ withdrawn			This EN was appealed, but prior to the submission of statements, the appeal with withdrawn by the appellant. An application for a revised scheme 20/03873/FUL (retractable bollard) which was approved. Compliance check has been carried out and can be removed from the list.
28	E/19/00513/ NPP	Berkhamsted Golf Club, The Common, Berkhamsted	Creation of a new vehicle parking area.	19 Nov 20	21 Dec 20	N/A	Yes			Appeal decision received and appeal succeeds in part and notice was upheld and varied. *p/p 21/02829/FUL granted, allowing compromise scheme. Compliance check required.
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
29	E/21/00045/ NPP	17 Polehanger Lane, Hemel	Construction of a building/structure to	03 Mar 21	01 Apr 21	01 May 21	No			Further to the issuing of a Temporary Stop

		Hempstead	the front of the property.							Notice, an EN was issued in order to remedy the breach of planning control and to ensure removal of the part built structure to the front of the property. This notice has not been appealed and compliance is required by 01 May 21.
30	E/19/00444/ NAP	Plot 1, Cupid Green Lane, Hemel Hempstead	Construction of two timber buildings and installation of fencing and septic tank system	14 Apr 21	12 May 21	12 Sep 21	*No*			Further to the upheld appeal and quashed EN (material change of use), the Council has issued a further notice relating to the operational development at this site, including a new, large timber building. Notice was withdrawn due to errors and review of case required prior to reissuing of a new notice.
31	E/19/00268	Silver Birches, Nettleden Road North, Little Gaddesden	Alterations and building works to an outbuilding in order to facilitate its material change of use to an independent dwellinghouse	09 Jun 21	07 Jul 21		Yes			Enforcement notice issued in respect of the development, following refusal of application 4/02148/19/RET. The enforcement notice has been appealed. *Awaiting appeal decision*.
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
32	E/21/00043/ LBG	121 High Street, Markyate	Internal works to create flats following	23 Jun 21	21 Jul 21	21 Oct 21	No			Listed building enforcement notice

			refusal of listed building consents							issued in relation to the works carried out inside the premises. Notice was not appealed and compliance required by 21 Oct 21. *Works have commenced – need compliance check*
33	E/20/00388/ CONSRV	28 George Street, Berkhamsted	Installation of cladding to external facade of property	23 Jun 21	21 Jul 21	N/A	No			The homeowner has appealed the refusal of 21/01313/RET for the same development. Appeal allowed 19 Jan 22. Case closed. Will be removed from the list*
34	E/20/00395/ NPP	21 Howards Drive, Hemel Hempstead	Materials and other items stored in the garden	30 Jun 21	30 Jul 21	30 Sept 21	N/A			S215 notice issued in connection with the condition of the front garden of this property. Compliance check required.
35	E/20/00347/ NAP	2 North Road, Berkhamsted	Development not in accordance with 4/01142/17/FHA	30 Jun 21	30 Jul 21	30 Jan 22	No			Enforcement notice issued in relation to dormer windows built not in accordance with approval. EN requires removal of dormers by 30 th Jan 2022. *Planning app 21/02727/ROC refused, but still within compliance period*.
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
36	E/19/00395	26 Morefields,	Construction of a	28 Jul 21	30 Aug 21	30 Aug 22	*No*			Enforcement notice

		Tring, HP23 5EU	raised platform above a stream/ditch and the possibility of damage to adjacent trees, part of a woodland TPO 337							issued following refusal of 19/02948/RET. Notice requires removal of decking and hard landscaping. *Still within compliance period*.
37	E/21/00312/ NPP	Land at Church Road, Little Gaddesden	Construction of sheds/structures, creation of new access, erection of gates and fencing	12 Aug 21	12 Sep 21	N/A	*Yes*			Enforcement notice issued in relation to fencing erected, new access and gate installed and erection of 3 x sheds on the land. *Appeal Statements submitted 23.11.21. *Awaiting appeal decision*.
38	E/21/00312/ NPP	Land at Church Road, Little Gaddesden	Construction of sheds/structures, creation of new access, erection of gates and fencing	12 Aug 21	12 Sep 21	N/A				Stop notice issued in connection with the un-finished fencing on this land (previously subject to a temporary stop notice).
39	E/21/00312/ NPP	Land at Church Road, Little Gaddesden	Construction of a building	25 Aug 21	25 Sept 21	N/A	Yes			Enforcement notice issued in respect of the erection of a building. *Appeal Statements submitted 23.11.21. *Awaiting appeal decision*.

THE FOLLOWING CASES HAVE BEEN ENTERED ONTO THE LIST FOR THE FIRST TIME

CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE	RESULT	NOTES / FURTHER ACTION
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40	E/19/00146	Land at Pipers Hill/ Church Meadow, Pipers Hill, Great Gaddesden	Erection of fencing	9 Dec 21	13 Jan 22	13 April 22	No			Enforcement notice issued in respect of the erection of a fence. Still in compliance period.
41	E/21/00041/ NPP	Land at The Old Oaks Hogpits Bottom Flaunden Hemel Hempstead	Change of use of land for the siting of a caravan/mobile home for residential use.	9 Dec 21	13 Jan 22	N/A	YES			Enforcement notice issued in respect of the siting of a caravan for residential use. Appeal submitted and statement of case due 08/03/22. (Public Inquiry)