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DEVELOPMENT MANAGEMENT

AGENDA

THURSDAY 10 MARCH 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

Councillor Beauchamp (Vice-Chairman)

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

- (a) 21/03792/FUL - Single storey extension, associated alterations and external works to form a community hall - St Lawrence Church, Church Street, Bovington, Hertfordshire, HP3 0HS (Pages 5 - 37)
- (b) 21/04124/FUL - Change of use of ground floor from A1 (retail use) to fish and chip shop (sui generis). Installation of extractor flue pipe - 98A High Street, Bovington, Hertfordshire, HP3 0HP (Pages 38 - 53)
- (c) 21/02964/FUL - Demolition of 3x existing garages and erection of 1x 4 bedroom shallow bungalow with 4 dormers on roof slope including parking space, bin and bike stores - 118 Hempstead Road, Kings Langley, Hertfordshire, WD4 8AL (Pages 54 - 75)
- (d) 21/02349/FUL - Change of use of land to a dog day-care and walking service (Sui-Generis) - Dog Day Care, Little Tring Farm, 5 Little Tring Road, Little Tring, Hertfordshire (Pages 76 - 89)
- (e) 21/03917/RET - Retention of Chattel (Timber Clad Structure) - Dog Day Care, Little Tring Farm, 5 Little Tring Road, Little Tring, Hertfordshire (Pages 90 - 103)

6. APPEALS UPDATE (Pages 104 - 124)

ITEM NUMBER: 5a

| | | |
|-------------------------------|---|--|
| 21/03792/FUL | Single storey extension, associated alterations and external works to form a community hall | |
| Site Address: | St Lawrence Church, Church Street, Bovington, Hertfordshire, HP3 0HS | |
| Applicant/Agent: | Rev. C. Burch | WEAL |
| Case Officer: | Daniel Terry | |
| Parish/Ward: | Bovington Parish Council | Bovington/ Flaunden/ Chipperfield |
| Referral to Committee: | The application has been called-in by Councillor Anderson due to the officer recommendation being for approval | |

1. RECOMMENDATION

1.1 That planning permission be **GRANTED**, subject to conditions.

2. SUMMARY

2.1 The proposal is acceptable in principle and accords with policy CS4 of the Core Strategy and saved policy 116 of the Dacorum Borough Local Plan.

2.2 The design, scale and appearance of the proposal are considered acceptable and accord with policies CS11 and CS12 of the Core Strategy. The proposed materials have been highlighted by the Design and Conservation Officer as a concern however this can be addressed via a planning condition.

2.3 The proposal would result in 'less than substantial harm' in NPPF terms and this harm would be outweighed by the public benefits of the scheme.

2.4 There are no concerns in relation to impacts on residential amenity, highway safety or parking provision and so the proposal accords with policy CS12 of the Core Strategy and the Council's Parking Standards SPD.

3. SITE DESCRIPTION

3.1 The application site comprises St Lawrence Church which is set within its own churchyard and surrounded by a brick wall. The church itself is grade II* listed and the site also falls entirely within the Bovington Conservation Area. The history of the church and the Conservation Area is set out within the submitted heritage statement as well as within the Bovington Conservation Area Character Appraisal.

3.2 To the east, the site adjoins the Metropolitan Green Belt but it is not itself within this landscape designation. To the north and west lies properties in Church Lane and Vicarage Lane, whilst to the south is a number of properties in Church Street, although mostly located to the southern side of that highway. Some distance to the east lies Bury Farm.

3.3 There is an existing footpath running approximately through the middle of the site linking Church Street to the south-west with Vicarage Lane to the north-east.

4. PROPOSAL

4.1 Full planning permission is sought for an extension to the church to provide a functional space to be used by the church and other external community groups. The submission sets

out that this space could be sub-divided into three smaller rooms or used as one much larger space. The extension would include toilets and a kitchen, the latter of which is being relocated to create a new office space.

- 4.2 Between the proposed extension and the chancel (the eastern end of the church), a new area of hardstanding is also proposed. There are no proposed changes to the access arrangements or parking provision.

5. PLANNING HISTORY

Planning Applications (If Any):

4/00382/17/TCA - Works to trees
Raise no objection - 29th March 2017

4/00653/14/TCA - Works to trees
Raise no objection - 12th May 2014

4/00789/13/TCA - Works to trees
Raise no objection - 11th July 2013

4/01995/11/TCA - Works to trees
Raise no objection - 12th December 2011

4/01733/09/TCA - Works to trees
Raise no objection - 25th November 2009

4/01183/09/TCA - Works to trees
Raise no objection - 21st August 2009

4/02120/06/TCA - Works to trees
Raise no objection - 24th October 2006

4/01022/04/TCA - Works to trees
Raise no objection - 8th June 2004

4/02027/03/TCA - Works to trees
Raise no objection - 23rd October 2003

4/00872/00/TCA - Work to trees
Raise no objection - 16th June 2000

4/01996/99/TCA - Works to six yew trees
Raise no objection - 20th December 1999

4/00909/99/FUL - Floodlighting of church and access path lighting
Granted - 10th August 1999

4/01454/93/FUL - Erection of mower shelter (temporary)
Refused - 6th December 1993

6. CONSTRAINTS

Area of Archaeological Significance: 48
CIL Zone: CIL2
Bovingdon Conservation Area
Former Land Use (Risk Zone):
Heathrow Safeguarding Zone: LHR Wind Turbine
Large Village: Bovingdon
Listed Building, Grade: II*,
Open Land: Open Land (designated under Policies 9 and 116 in the Plan)
Parish: Bovingdon CP
RAF Halton and Chenies Zone: Green (15.2m)
Residential Area (Town/Village): Residential Area in Town Village (Bovingdon)
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:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of the Public Realm
CS23 - Social Infrastructure
CS25 - Landscape Character
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS32 - Air, Soil and Water Quality

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 116 - Open Land (full weight)
Policy 118 - Important Archaeological Remains

Policy 119 - Development Affecting Listed Buildings (limited weight)

Policy 120 - Development in Conservation Areas (limited weight)

Supplementary Planning Guidance/Documents:

Bovingdon Conservation Area Character Appraisal (2009)

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 and impact on visual amenity;
- The impact on designated heritage assets;
- The impact on residential amenity; and
- The impact on highway safety and car parking;
- Other material considerations.

Principle of Development

9.2 The application site comprises a large churchyard setting, which forms the eastern edge of the Bovingdon Settlement. The site is not within the Metropolitan Green Belt, although it does border this land designation to the eastern edge. Instead, the site is defined as being 'Open Land' within an existing large village.

9.3 Bovingdon as a whole is defined as a large village in the settlement hierarchy and policy CS4 of the Core Strategy states that development will be guided to the appropriate areas within settlements. Non-residential development for small-scale social, community, leisure and business purposes is encouraged, provided it is compatible with its surroundings. In 'Open Land' areas, the primary planning purpose is to maintain the generally open character. Development proposals will be assessed against relevant open land policies.

9.4 Further to the above, saved policy 116 of the Dacorum Borough Local Plan states that Open Land forming part of the urban structure will be protected from building and other inappropriate development by applying the general provisions of Policy 9 (not a saved policy). Ancillary buildings and works, additions, replacement and redevelopment of buildings and changes of use must satisfy the conditions below:

- (a) the location, scale and use of the new development must be well related to the character of existing development, its use and its open land setting;
- (b) the integrity and future of the wider area of open land in which the new development is set must not be compromised;
- (c) in addition, in the case of sites which accommodate existing uses regarded as inappropriate to an open land area, proposals must:

- (i) not have a significant adverse impact on the character and environment of the site or its open land setting; or
- (ii) result in overall environmental improvements to the site in relation to its open land setting.

Proposals to develop on other open land in towns and large villages will be assessed on the basis of the local contribution the land makes to leisure facilities, townscape, visual amenity, nature conservation and the general environment.

Measures to conserve and improve the attractiveness, variety and usefulness of all open land will be investigated, encouraged and promoted.

- 9.5 Policy CS23 of the Core Strategy states that social infrastructure providing services and facilities to the community will be encouraged. New infrastructure will be located to aid accessibility and design to allow for different activities. The dual use of new and existing facilities will be encouraged wherever possible. This policy further adds that existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an alternative social community service or facility is preferred.
- 9.6 In this regard, the primary use of the church for providing services (particularly religious services) must remain as its key function and a change of use or dividing up of the building, whether in part or as a whole, would be considered inappropriate in this instance. The submission has set out how alternative options have been considered, such as dividing up the existing internal spaces, but this is accompanied by an explanation as to why this is not deemed appropriate. The LPA would concur that this is inappropriate in this instance, as any change of use or dividing up of the existing areas of the church may have significant implications in heritage terms and adversely affect the significance of this grade II* listed building.
- 9.7 The submission sets out that the proposed extension to the church would allow for a functional community space that can be used by residents of the parish as well as being used by the church. The proposal would therefore provide an important local facility for residents and the significant amount of local support for this application that has been received indicates that there is such a need for this facility. Moreover, the plans set out how this extension would benefit from movable internal walls so that this community space can be used as one large space or three smaller rooms, thus ensuring it is versatile and meets the needs of the community and local groups.
- 9.8 With regard to the latter points of policy CS23, the submission sets out that alternative facilities were considered, such as the continuing use of St Lawrence Hall some distance to the north along Vicarage Lane, or the Memorial Hall, located on High Street. In both of these cases, the submission makes reference to the inadequacy of public footpaths leading from the churchyard to these two sites and this is a recognised concern. More to the point however, the Memorial Hall is understood to be owned and operated by the Parish Council and therefore its use by the church would be somewhat restricted, potentially conflicting with other users of this local facility. St Lawrence Hall meanwhile appears to offer very little in terms of parking, and on-street parking is not readily available along this part of Vicarage Lane. The lack of public footpath, as mentioned, is also a concern, particularly where children may be expected to walk to this facility.
- 9.9 The above only provides a very brief summary of the reasoning for the proposals and therefore the submitted 'statement of need' and Design and Access Statement should be read in conjunction. For the purposes of this report and given the level of detail provided in the application, the LPA accepts that there is a demonstrable need for this facility, which would benefit not only the church itself, but the wider community and parish.

- 9.10 The proposal is therefore considered to be acceptable in principle and complies with policies CS4 and CS23 of the Core Strategy, as well as saved policy 116 of the Dacorum Borough Local Plan.

Quality of Design / Impact on Visual Amenity

- 9.11 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.
- 9.12 A detailed assessment of the impacts in heritage terms is discussed in the below section of the report. Therefore with specific regard to the visual impacts, the proposed extension is considered a suitably subservient addition to the building and its overall scale and height would be considered to respect the existing building. The positioning of the extension means that it would be seen from Church Lane to the north, but largely only where it adjoins Vicarage Lane; along Church Lane to the east; and from parts of Church Street to the south, through the gap that exists between No.19 and No.21 Church Street. The extension would also be partially obscured from Church Street by the existing church. It does not appear however that the extension would be seen from High Street, some distance to the west/south-west, given the number of intervening buildings and the location of the extension towards the north-west of the existing church.
- 9.13 Importantly, it is acknowledged that the extension would be viewed in the context of the church and appropriate building materials could ensure that it harmonises with this designated heritage asset. In this regard, the proposal would largely involve a brickwork finish to the elevations but with areas of flintwork around the window and door openings. The roof would comprise of elements of zinc cladding along with tiles to the steeper parts of the pitched roof. It does not appear that the exact type, colour, texture, supplier etc. has been provided and so details of the materials would need to be secured via a planning condition. Several of the consultees who have commented on this application have raised concerns with the choice of materials and therefore a pre-commencement condition would ensure that further discussions can take place and the materials can be agreed.
- 9.14 As such, it is considered that the proposal would be acceptable in visual terms and therefore complies with policies CS11 and CS12 in this regard. A more detailed assessment of the proposal in heritage terms is provided below.

Impact on Designated Heritage Assets

Policy context

- 9.15 Policy CS27 of the Core Strategy states that all development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Paragraph 199 of the NPPF requires local planning authorities to give great weight to the asset's conservation and the more important the asset, the greater this weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 9.16 Saved policy 119 of the Dacorum Borough Local Plan is similar to the above and states that there is a general presumption in favour of the preservation of listed buildings of special architectural or historic interest. Consent to alter or extend listed buildings will only be granted where it can be satisfactorily demonstrated that the proposal will be carried out in a manner appropriate to the scale, proportion and external and internal appearance or historic character of the building to which it relates. Developers may be required to submit information in the form of an impact assessment of the development before the planning application is determined.
- 9.17 Meanwhile saved policy 120 of the DBLP states that new development, 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. Development proposals outside a conservation area which affect its character and setting will be considered likewise. Each scheme will be expected to:
- (a) respect established building lines, layouts and patterns. In particular, infilling proposals will be carefully controlled;
 - (b) use materials and adopt design details which are traditional to the area and complement its character;
 - (c) be of a scale and proportion which is sympathetic to the scale, form, height and overall character of the surrounding area;
 - (d) in the case of alterations and extensions, be complementary and sympathetic to the established character of the building to be altered or extended; and
 - (e) conform with any design guides for conservation areas prepared by the Council.
- Within a conservation area, applicants are encouraged to submit detailed planning applications. Planning permission may be refused if insufficient detail is provided in applications to judge the impact of the proposed development on the conservation area.
- 9.18 It is however recognised the saved policies 119 and 120 of the DBLP are not entirely consistent with the language of the NPPF, as it does not go on to identify the level of harm and the fact that this would need to be weighed against the public benefits of a scheme. These policies are otherwise considered to be consistent with the aims of national policy and can be given significant weight in decision making.
- 9.19 Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on local authorities to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which it possesses as well as to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 9.20 Paragraph 194 of the NPPF states that, when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- 9.21 In this regard, a Design and Access Statement and a separate Heritage Statement have been submitted in support of the application. The latter of which provides a sufficiently detailed background to the site and the church.

Identifying 'significance'

- 9.22 The submitted Heritage Statement identifies that the church originates from the year 1235 and the tower was added circa 1400, the base of which survives today. The church as it currently stands was substantially re-built in 1844-1846 and is grade II* listed. The significance of the church is extensive in that this lies in its age (C19th), architecture and materiality, its cultural importance as a place of worship as well as the importance of its positioning within the wider settlement and how this settlement has evolved over time, largely due to this positioning and prominence of the churchyard.
- 9.23 The significance of the Bovingdon Conservation Area meanwhile, is set out in the Bovingdon Conservation Area Character Appraisal (2009). This appraisal recognises that the Conservation Area is divided into two distinct character areas, one being the area around the churchyard which is characterised by open space and trees, dominated by the Church, the former Vicarage and Bury Farm. The Character Appraisal as a whole is centred on the Church itself, recognising its historic importance in the evolution of Bovingdon. Section 4 of the Character Appraisal identifies the important historical features within the Conservation Area, which includes matters such as the historic street patterns, whilst Section 6 provides a detailed account of the features of the CA, with the Church falling within 'Area 2'.
- 9.24 Both the heritage statement and Character Appraisal should be read in full in order to fully appreciate the historic context of this site and the wider conservation area.

Proposed siting and location

- 9.25 One of the key considerations in this case is the siting and location of the proposed extension. This has been explored through various pre-application discussions that have taken place with the LPA, but the submission also sets out that further discussions outside of the planning process have taken place as well, such as with the diocese. As already mentioned above in this report, the submission has provided plans which show an alternative location for this facility, along with reasoning as to why these alternative locations have been discounted. Without repeating the contents of those options in full, it appears that the proposed location would be the most appropriate, on the assumption that the extension is acceptable in all other regards. This is because, any extension to the northern side would involve a far more significant impact, any extension to the north-west or south-west of the church (adjacent to the tower) would impact on footpaths through the site (and likely involve a greater amount of exhumation) and any extension along the southern side of the building would likely have a significant impact in terms of sunlight reaching the windows of the church (i.e. the nave). For these reasons, the LPA accepts that the proposed location of the extension is the most appropriate in this instance. It is also acknowledged that a detached building in the grounds of the church may bring about further issues, whether they be security issues, a greater impact on existing graves, a blocking of views of the Church from within the Conservation Area or simply concerns around the practicalities of the facility being provided elsewhere.
- 9.26 As such, the proposed location of the extension to the church does not raise any fundamental concerns in this instance. It has also been noted that the relevant statutory consultees recognise harm but do not suggest that this application should be refused outright. Instead the harm should be weighed against the public benefits as discussed below.

Impact and level of harm

- 9.27 The submission makes reference to the existing flue and an existing WC, deemed by the applicant to be impractical, not least because it cannot be used by disabled persons. In this regard, it is acknowledged that the removal of the flue would make a very limited, but positive, enhancement to the existing church.
- 9.28 Conversely, the proposed extension would lead to some loss of existing views of the church, particularly the northern elevation which would become partially disguised behind the extension. This causes harm to the significance of the listed building, but would also cause some harm to the character and appearance of the conservation area, as well as having some impact (albeit limited) on views into and out of the Conservation Area. Further discussions have also taken place around the tracery, with the applicant clarifying that there would be no material loss in this instance. The choice of materials remains a concern, however as set out above in this report, this can be addressed through further discussions by imposing a planning condition requiring details to be submitted.
- 9.29 Both Historic England and the Council's Conservation and Design Officer conclude that the proposals would result in 'less than substantial harm' in NPPF terms, and officers find no grounds to disagree with this level of harm being concluded. Paragraph 202 of the NPPF states 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 including, where appropriate, securing its optimum viable use.
- 9.30 The submission has set out reasons why the proposed extension is considered necessary and this is included in the 'statement of need' provided. Furthermore, it is also clear that this suggestion of an extension to accommodate the required space has been discussed over a number of years and attempts have been made on the applicant's part to evolve a scheme that would ultimately result in the least amount of harm possible, although as set out above, harm would still occur.
- 9.31 There would be public benefits in this case, from the construction of the development itself; through providing a communal space for which there has been a significant amount of local support; and by providing the Church with an opportunity to generate increased income by letting these spaces. On this latter point, the income would make some contribution towards the Church remaining viable as a heritage asset and should help to secure its long term future and maintenance. The LPA would also give weight (albeit limited) to the fact that the Church has highlighted its aging population and the need to encouraged families, particularly younger persons, to take an active role in the Church.
- 9.32 Therefore, in weighing the identified level of harm against the potential public benefits of the scheme, it is considered that these benefits would sufficiently and demonstrably outweigh the harm and so the proposal is acceptable in this instance.

Impact on Residential Amenity

- 9.33 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. 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.

- 9.34 The proposed extension would be located approximately 65m away from the nearest properties in Church Lane and at the corner of Vicarage Lane to the north-west. At this distance, it is not considered that the physical built form of the extension itself would unreasonably affect neighbouring properties in this location. It should also be noted that 'right to a view' is not a material planning consideration. At a distance of some 65m, the proposed extension to the church would not be considered to affect outlook from properties in Church Lane, which is a material planning consideration. Therefore, there would be no material impact on these residential properties.
- 9.35 With regard to the nearest residential properties on Church Street, to the south, the extension would be around 50m away from No.19 Church Street and again, at this distance, it is not considered that any unreasonable harm would occur from the physical built form itself. The extension would be somewhat disguised behind the existing church and only partially visible to this neighbouring property.
- 9.36 The closest residential property to the site and therefore that most likely to be affected is No.21 Church Street, located to the south-east. The rear elevation of this neighbour is located approximately 35m away from the nearest part of the proposed extension. At this distance, and on the basis that the extension is smaller in height and scale than the existing church, it is not considered that any unreasonable harm would occur. For example, there would be no material overshadowing or loss of privacy. In this regard, it is further noted that there is a row of mature trees located towards the southern boundary of the churchyard which provides some screening between the two sites in any case.
- 9.37 For all residential properties that adjoin the site, there may be some disturbance from increased noise, particularly during summer months when doors/windows may be opened, however the community uses taking place in the extension and any associated noise would largely be dimmed by the layout, size and limited opening sizes of the building. The submission does also suggest that an area of hardstanding would be created between the extension and the chancel for some outdoor use, but there is nothing to suggest that this would result in any excessive levels of noise, over and above those that may already be generated from outdoor activities in the church grounds. It should also be noted that any such activities would likely take place for a limited time and it is unlikely therefore that community groups would be on site for an entire day, particularly where children's events are being held.
- 9.38 Some concerns have been raised by local residents in relation to the positioning of the extension and the fact that this will have some impact on existing graves. This is discussed in more detail below in this report.
- 9.39 It is therefore considered that the proposal would not result in any unreasonable impacts to residential amenity and so the proposal is considered to comply with policy CS12 in this regard.

Impact on Highway Safety and Parking

- 9.40 Policy CS12 of the Core Strategy and paragraph 110 of the NPPF requires development to provide safe and suitable access for all users.
- 9.41 The Highway Authority have been consulted who acknowledge the submission of a Transport Statement and note that there are no proposed changes to the highway network. The Transport Statement makes particular reference to the existing hall which is separated from the Church and therefore at present provides its own off-street parking. As set out above in this report, the parking at St Lawrence Hall is however limited and appears only capable of accommodating approximately 4 vehicles (or 8 if double parked).

- 9.42 By comparison to this scheme, the Highway Authority indicate that the new extension would not be expected to result in any significant increases in vehicular movements, compared with the two existing sites when considered together. The Highway Authority further note that the church's location within the village means that a large number of attendees would likely arrive on foot or possibly by bicycle, a positive prospect in their view. As such, the Highway Authority do not raise any objections to the scheme and have not suggested any requirement for planning conditions, although three planning informatives have been suggested.
- 9.43 With regard to parking, this is a matter for the Local Planning Authority but again the Highway Authority raise no concerns in that regard. The Council's Parking Standards SPD (2020) indicates that places of worship should be served by 1 parking space per 10sqm (GEA) of floor area, whilst public halls/places of assembly should be served by 1 space per 9sqm (GEA).
- 9.44 The submitted Transport Statement includes data gathered from a survey conducted of users of the various facilities, whether in relation to the Church congregation or the church hall and activities that take place there such as yoga and an art class. The findings are set out in the Statement, but this can briefly be summarised as around 50-58% of people attending church arriving by car and varying degrees of arrival for the church hall from 50% for one yoga activity and 100% for an afternoon yoga session. It should be acknowledged that this survey provides only a snapshot in time and arrival by car may vary depending on the time of day and whether it is during school term times for example.
- 9.45 On the basis that the church extension would offer approximately the same amount of space as the existing hall, and that the church has indicated an intention to sell the existing hall, it does not appear that there would be any significant changes in parking terms, only that this would take place within the church grounds opposed to at the hall on Vicarage Lane. The submission also confirms that the proposed extension and its rooms contained therein would not be made available during days of congregation, funerals or other similar type events that may result in significant numbers of people on site at any one time.
- 9.46 The submitted statement identifies that there are currently 45 car parking spaces available to the Church and based on the surveys, this would be sufficient to meet the needs of the church and the events that would be held there. The LPA finds no grounds to disagree with these findings and therefore raises no concerns in this regard.
- 9.47 As such, the proposal is considered to comply with policy CS12 of the Core Strategy and complies with the Council's Parking Standards SPD.

Other Material Planning Considerations

Impact on existing graves and archaeology

- 9.48 Concerns have been raised by local residents (and those who live further away but with relatives buried in the churchyard) with the need to exhume bodies near to the church in order for the extension to be constructed. This is naturally a very sensitive matter and would understandably cause concern for the families affected. Officers sought clarification from the applicant over exactly how many graves would be affected, although an exact number has not been provided. One suggestion by an objector is that 13 family member's graves would be affected, although the applicant contests that this would

not be the case. It has however been acknowledged that one wall of the extension would be around 1.4m away from a family grave of that objector.

9.49 The applicant's email via Councillor Barrett acknowledges that a small number of graves would be built over, none of which are C21st, only one of which is C20th and this would presumably mean any other graves affected are much older, indeed they are referred to as 'unmarked' graves. The applicant has also confirmed that ground penetrating radar has been used to carry out a survey of the area where the extension is proposed and suggests that there is a 'high level of confidence' that no recent graves would be affected.

9.50 The applicant has also provided the advice that they received from the Diocese of St Albans. This states as follows:

"Where excavation is proposed within a churchyard, a faculty takes the place of a Home Office Licence. The faculty application process includes consideration of matters such as archaeology and the potential disturbance of buried human remains as part of repairs or development. In the case of an extension to the church building, it is likely a desktop evaluation by an experienced archaeological fieldwork contractor and probably trial pits will be required before the main work is able to start on site, not least so that the extent of risk and its effect on costs can be defined, and perhaps so that mitigation measures can be designed in order to minimise disturbance, such as designing the foundations to rest on a number of concrete piles. Where the development unavoidably uncovers articulated human remains (skeletons), there must be a proper process of archaeological recording, respectful exhumation and at least basic osteological assessment before appropriate sensitive reburial in accordance with directions from the Diocesan Chancellor. The presumption, however, is that if possible, human remains should be left in situ, reflecting that they had originally been entrusted to the care of the Church permanently. There is information about the principles and policy from the Advisory Panel on the Archaeology of Burials in England (APABE) at <https://apabe.archaeologyuk.org/>.

For church and churchyard works requiring planning permission, such as an extension, archaeological aspects will also be a material consideration for the local planning authority. We have a convention that to avoid duplication, the Diocesan Archaeological Adviser (DAA) will normally leave the County Planning Archaeology Service to take the lead, giving pre-app advice and /or as a condition of planning permission. Technically, secular requirements cover ours which can be satisfied by ensuring we are kept informed and are available to advise, should the need arise. Ensuring the appointment of an experienced and competent archaeological contractor is a matter for the local planning archaeological officer and our DAA, and can help ensure that architects and main contractors are aware of potential problems and appropriate procedures."

9.51 The above therefore indicates that there are processes in place, outside of the planning process, that would require a more detailed consideration of this matter, and appropriate consents would also be required from the necessary bodies. Planning decisions should not seek to impose conditions or other unreasonable requirements where these matters may be covered by other legislation.

9.52 Following on from the above therefore, the Archaeology Officer at Herts County Council has been consulted. Their comments make more specific reference to much older burials, possibly dating as far back as the Romans. For the purposes of this planning application, it is considered that the suggested planning conditions would encompass any graves in the area affected and the Written Scheme of Investigation required by the condition would need to be submitted before any works commence on site. This would therefore provide

sufficient clarification over the number of graves affected, as well as details as to their age etc. before any groundworks commence. On that basis, it is considered that the application is acceptable in this regard.

Environmental Health

9.53 The Council's Environmental Health team have been consulted and raise no objections in relation to Contaminated Land. Noting the above, the matter here is one of archaeology, rather than in relation to any former land uses. The EH team were also consulted in relation to noise and air quality but raised no concerns, however did request the inclusion of three planning informatives as part of any grant of planning permission.

Response to Neighbour Comments

9.54 These points have been addressed above within the relevant sections of the report.

10. CONCLUSION

10.1 To conclude, the proposed extension would be acceptable in principle and the report has recognised the potential benefits of the scheme to the local community, such as through providing a dedicated space to hold meetings and carry out activities as part of community groups, whether related to church activities or not.

10.2 The proposals would result in harm to the significance of the church and the conservation area and this level of harm is considered to be 'less than substantial' in NPPF terms. This level of harm is considered to be outweighed by the public benefits in this case.

10.3 The report has also identified that there would be no significant impact on any neighbouring amenity and the development would be acceptable having regard to highway safety and parking provision.

10.4 The proposal is therefore considered to comply with the Development Plan and should be supported.

11. RECOMMENDATION

11.1 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. No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:**

- 1. The programme and methodology of site investigation and recording;**

- 2. The programme and methodology of site investigation and recording as required by the evaluation;**
- 3. The programme for post investigation assessment;**
- 4. Provision to be made for analysis of the site investigation and recording;**
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation;**
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation;**
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraphs 194 and 205 of the National Planning Policy Framework (2021).

3.
 - i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 2.**
 - ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (2) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraphs 194 and 205 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 preserve or enhance the character and appearance of the designated heritage asset in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS27 of the Dacorum Borough Core Strategy (2013).

5. **Notwithstanding Condition 4 above, all approved flint work shall be built freehand.**

Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced 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) and Section 16 of the National Planning Policy Framework (2021).

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

1248 PP 000 (Location Plan);
1248 PP 020 (Proposed Site Plan);
1248 PP 021 (Proposed Ground Floor Plan);
1248 PP 022 (Proposed North Elevation);

1248 PP 023 (Proposed East Elevation);
1248 PP 024 (Proposed South Elevation);
1248 PP 025 (Proposed West Elevation);
1248 PP 026 (Proposed Sunday Service Layout);
1248 PP 027 (Proposed Concert Layout);
1248 PP 028 (Proposed Festival Layout);
1248 PP 033 (Proposed Section AA);
1248 PP 034 (Proposed Roof Plan);
1248 PP 035 (Proposed Section BB).

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. Construction Hours of Working - (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.
3. Construction Dust Informative

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

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
5. 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.
6. 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.

7. 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.

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
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| Conservation & Design (DBC) | <p>The church is of great importance as noted by its grade II* listing. There are some fragments of an early church contained within the lower fabric of the main building and within the tower but as described in the statement of significance and the listing the church essentially dates from the 19th century rebuilding. This was undertaken by a notable architect Thomas Talbot Bury and is described as being in a scholarly Gothic style. The interior has had some alterations but contains a large number of pews still retaining their doors and numbering. It is noted that on reviewing the heritage review of these features the expert guidance suggests that the pews are completely contrary to the architecture of the church and that the church is "badly let down by the poor quality and uninspiring design of the extant set of box pews".</p> <p>There has been a variety of pre application proposals for the site. We note that many of our concerns have been discussed in the heritage statement with regards in particular to location and position of the extension and the impact of this upon the appearance and significance of the church.</p> <p>With regards to this we believe that the reduction in scale and change in design would address concerns. We also note that the various other bodies consulted did not raise concerns with regards to the extension beyond the east end of the church. This was because the church is a good example of neo-gothic design by one of its leading practitioners of the period. This movement followed on from the medieval gothic religious architecture which saw spiritual symbolism in all the features and elements of the church. Through this the subdivision of church space into ascending levels of holiness. In this instance the movement through the space within the building towards the eastern end from the nave to the chancel. We would therefore express concern at the</p> |

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| | <p>extension beyond the chancel of the church. It would appear contrary to the symbolism and importance of the buildings existing form particularly when noted to be of great significance in this instance when considering the character of the heritage asset. However if the relevant church bodies do not consider that this is a major issue we would not object on these grounds.</p> <p>We would still believe that this would cause a level of harm with regards to the impact on appearance and significance of the building. Given the advice received from external bodies we would consider this to be less than substantial and at a low level. This harm would need to be balanced against the public benefits of the scheme as per the weighting within the framework.</p> <p>We would agree with the Historic England comment that the West Gable design should be reviewed as we are also not convinced that the flint infill/ brick are successful. It may be better to considered a completely flint gable at this location but would be willing to review other options. We also share the concerns with regards to the louvres.</p> <p>We would also raise concerns with the loss of the tracery and hope that it could be retained as part of the new entrance into the church.</p> <p>Recommendation We would recommend that the above points with regards to the design detail be reviewed. We would not object but would recommend that the officer weighs the harm identified against the public benefits of the scheme as noted in the application.</p> |
| Archaeology Unit (HCC) | <p>Thank you for consulting me on the above application.</p> <p>Please note that the following advice is based on the policies contained in the National Planning Policy Framework.</p> <p>The proposed development is within Area of Archaeological Significance no. 48, as identified in the Local Plan. This covers the historic core of Bovingdon, which has origins in the Anglo-Saxon period, the parish church of St Lawrence and its graveyard, the manorial site of Bury Farm, and evidence of Roman and medieval occupation.</p> <p>The proposed works involve an extension and minor alterations to the north elevation of the church itself.</p> <p>The parish church of St Lawrence [Historic Environment Record No 936], is medieval in origin, but was 'thoroughly restored' in 1845 so that much of the fabric is of this date. It was reported in the mid 19th century that 'when the chapel of St Lawrence was demolished there were</p> |

indications of Anglo-Saxon origin'. This evidently refers to the wholesale restoration works. However, at that date 'Anglo-Saxon' could mean Norman, rather than pre-conquest.

In addition, a complete Roman pot (an open flat dish, oval, only 13 cm long, and made of Black-burnished Ware (BB1)) was found by a gravedigger in Bovingdon churchyard [HER 17175]. This may be derived from a burial of Roman date (its date is likely to be between AD 120 and 400). In 2010 an archaeological evaluation to the rear of the houses on the south side of Church Street identified a feature which produced pottery of Roman date, which indicates there was Roman occupation and burial in this area.

It is also likely that the groundworks of the scheme may disturb human remains of possible medieval, and certainly of post-medieval date.

I believe therefore that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

1. The archaeological evaluation, via 'strip, map and record', of the area of the proposed extension, prior to the commencement of the groundworks of the development.
2. Such appropriate mitigation measures indicated as necessary by that evaluation.

These may include:

- a) the preservation of any remains in situ, if warranted,
- b) appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
- c) archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
- d) such other provisions as may be necessary to protect the archaeological interests of the site;

3. The archaeological building recording of the area of the building that will be affected by the development, before any development commences;

4. the analysis of the results of the archaeological work, with provisions for the subsequent production of a report and an archive, and the publication of the results, as appropriate;

5. such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 205, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

Condition A

No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording;
2. The programme and methodology of site investigation and recording as required by the evaluation;
3. The programme for post investigation assessment;
4. Provision to be made for analysis of the site investigation and recording;
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
6. Provision to be made for archive deposition of the analysis and records of the site investigation;
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Condition B

- i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.
- ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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| | <p>I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 205, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).</p> <p>If planning consent is granted, then this office can provide details of the requirements for the investigation and information on archaeological contractors who may be able to carry out the work.</p> |
| <p>Bovingdon Parish Council</p> | <p>Support although have concerns over materials to be used and what is being proposed in a conservation area</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>With reference to the above planning application, please be advised Environmental Health have no objections or concerns. However I would recommend the application is subject to construction working hours with Best Practical Means for dust.</p> <p>Construction Hours of Working - (Plant & Machinery) Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.</p> <p>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> |

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| | <p>Noise on Construction/Demolition Sites Informative</p> <p>The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.</p> |
| Parks & Open Spaces (DBC) | No comment. |
| Hertfordshire Highways (HCC) | <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</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 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 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.</p> <p>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</p> |

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| | <p>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.</p> <p>Comments</p> <p>The proposal is for the the construction of a single storey extension, associated alterations and external works to form a community hall at St Lawrence Church, Church Street, Bovington. Church Street is a 30 mph unclassified local access route that is highway maintainable at public expense.</p> <p>Vehicle Access and Parking</p> <p>The church has two existing parking areas which are both accessed via bellmouths onto the highway network. The proposal is to stop using the existing church hall off-site and construct a new church hall/ extension directly connected to the existing church. Parking is a matter for the Local planning authority and as such any parking arrangements must be agreed by them. The applicant has provided a transport statement which illustrates the capacity of the existing parking and the expected movements to and from the church (including the new hall) in relation to activities that are currently held at the existing separated community hall. The existing community hall and its vehicle provisions are considered to be adequate regarding the slight increase in trips provided to the new extension onto the church. This decision has been made in relation to the transport statement and the use of the church and new hall as one entity which would mitigate against the use of the extension and the church separately. The nature of the churches location within the village will mean that many people will walk or cycle to the church as oppose to drive which HCC Highways encourages. No proposed changes are to occur to the existing highway network.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives.</p> |
| Historic England | <p>Thank you for your letter of 15 October 2021 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.</p> <p>Historic England Advice</p> |

The Church of St Lawrence is a Grade II* Listed building. It was much restored in the 19th century although some early material has escaped restoration and survives intact, mainly in the south aisle. It is situated within a large churchyard which contains graves.

The proposed scheme is to provide a function room to enable the church to provide community facilities and to enable it to host community events. This has been the result of a long pre-application engagement and the scheme has much improved since the beginning of this process however, the following areas still cause some concern;

- o The materials on the west gable seem to be trying to mirror a ruined church that has been rebuilt. This is not particularly successful as the materials are brick on the bottom with flint infill and as the building is mainly faced in flint, it appears rather jarring. It may be better for the materials to be of one kind be that brick or flint which would sit more comfortably within the vicinity of this historic building. The modern detailing around the windows takes its cue from the historic building and this is a successful part of the scheme.

- o The louvres on the west gable window are out of place in this context. A plain glass window would be more in keeping.

- o The alteration in the north aisle of a window to a door is of concern given the plans show the entire loss or replacement of tracery from the former window

Although the need for a door is recognised, and the glazed link from this new door is rather striking, the loss of the tracery seems unnecessary. What is the reason for this replacement and why is the original not able to be kept?

The success of this scheme will lay in the fine design details and while the scheme is an improvement on the last we saw at pre-application stage, some minor changes could represent a less harmful scheme in the longer term.

Policy Context

Paragraph 199 of the NPPF states that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater that weight should be).

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

Paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the scheme.

Historic England's Position

Historic England consider that the principle of an extension in this

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| | <p>location could be appropriate subject to minor design changes which would preserve or enhance the character and significance of this grade II* listed building. The loss of the window tracery has not yet been justified. We therefore suggest that at present the scheme is not in accordance with paragraphs 199 and 200 of the NPPF.</p> <p>We therefore consider that with some design changes this scheme could be considered to represent a change to the character and significance of this building which falls short of harm however at present, there is the potential for less than substantial harm, low/moderate in scale. We therefore consider that your local planning authority should undertake the planning balance as required by paragraph 202 of the NPPF.</p> <p>Recommendation</p> <p>Historic England has concerns regarding the application on heritage grounds.</p> <p>We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199, 200 and 202 of the NPPF.</p> <p>In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.</p> <p>24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU Telephone 01223 582749 HistoricEngland.org.uk</p> <p>Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.</p> <p>Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.</p> |
| National Societies | <p>Amenity</p> <p>Thank you for consulting the Victorian Society on this proposal. I apologise for the delay in your receiving our advice.</p> <p>As you know, this case was considered by the Society's Southern Buildings Committee toward the end of November. Its discussion and advice informs the following comments, which raise considerable concern with certain aspects of the parish's overarching ambitions, or at least the manner in which they seek to achieve them.</p> <p>Having said that, the principle of an extension is in our view unobjectionable. While we are grateful for the opportunity to comment, it is disappointing that the Society has only been consulted on the</p> |

proposed extension of a building that is both highly listed and almost entirely Victorian only at the point at which the scheme has been finalised and submitted for approval to the local authority. The Society is always open to and encourages early involvement and extensive pre-application discussion, the purpose of which is to attempt to resolve any concerns before the point of submission. As it is, we find ourselves in the position of having to offer advice on a scheme that has evolved through a long period of consideration and discussion, and which is, in the parish's eyes, finalised. At this stage there seems little point in addressing matters of fundamental principle, or issues such as the precise location of the extension, on which the Committee was unconvinced. We therefore don't wish to comment on the broad principles of the scheme, other than to say that a substantial extension of the sort proposed would surely undermine any case that might subsequently be made to justify the substantial clearance of the church's historic interior.

We are not convinced by the detailed design of the proposed hall, although we can see the rationale for the form, for instance, of the roof. However, its predominantly brick exterior would likely look out of place beside the church, which is, materially, so harmoniously of a piece. The way in which flint is proposed to be used around the windows also appears needlessly contrived (in detail, not in principle) and is, ultimately, unsuccessful. Overall we consider the design of the extension to fall short of the quality that would be expected of the site and the nature and significance of this fine church.

While the proposed extension would undoubtedly cause harm to the setting of the church, our greatest concern is what is being contemplated for the II*-listed building itself. While potential future alterations to the interior of the church are not relevant to the determination of this application, we must at this stage express profound concern at the sweeping internal changes being envisaged. The loss of the pews outlined in some of the documents would cause a very high level of harm, and seems in part to be proposed on the basis of a pew report that is simply not fit for purpose, the conclusions of which we completely refute. If the parish is serious about pursuing any degree of de-pewing, then it will need to commission a genuinely scholarly and objective report on the significance of the pews. The present pew report does the parish a serious disservice and fails to provide any sort of objective basis by which to understand the significance of the historic furnishings and the impact of their removal.

The Society would welcome early consultation from the parish if it continues to pursue the possibility of any significant amount of de-pewing.

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| <p>Conservation & Design (DBC)</p> | <p>These relate to the revised supporting documents: The church is of great importance as noted by its grade II*</p> <p>We note the comments with regards to the east/ west elevations.</p> <p>In relation to the flint/ brick details we would continue to disagree with the proposed design choices. St Albans abbey shown in the image has 1000 years of history visible within the structure hence the differing materials and positions. This is not comparable with constructing a completely new addition which appears to be trying to create a patina of history on an extension of one period.</p> <p>Further evidence of works to the original windows where the door is located is welcomed.</p> <p>We note the comments in relation to the louvers.</p> <p>We therefore remain to be convinced that the proposal is an appropriate response to the extension of the church. We would still believe that this would cause a level of harm with regards to the impact on appearance and significance of the building. We would consider this to be less than substantial and at a low level. This harm would need to be balanced against the public benefits of the scheme as per the weighting within the framework.</p> <p>Recommendation We would not object but would recommend that the officer weighs the harm identified against the public benefits of the scheme as noted in the application. Should the officer recommend approval external materials including mortar and that the flint be hand work should be conditioned.</p> |
| <p>Historic England</p> | <p>Thank you for your letter of 5th January 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.</p> <p>Historic England Advice We note the letter provided by the agent and uploaded on 7th December 2022 which provides extra explanation of the design details of the scheme. We apologise firstly for the error in the orientation of the building, The clarification on the retention of the tracery and the additional tracery proposed around the north door is useful and answers the question posed in our previous comments. Our comments dated 4th November 2021 do not object to this scheme rather they note some concerns relating to the design of the building which have in part been addressed by the recent submitted comments however, we remain of the view that an extension built of one material</p> |

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| | <p>would be more successful than a forced mix of two. We are aware of many examples where changes over time have meant replacements to part of elevations in contrasting materials but to design in this contrast from the outset seems contrived.</p> <p>The modern extension linking the church to the new room is via a glazed link and while this is a modern and striking intervention, the ability to see through the link to the door behind is an advantage. The rather blank brick wall in which this striking glazed panel sits within is rather disappointing and could do more to respond to the architecture of the north aisle.</p> <p>Recommendation</p> <p>Historic England has concerns regarding the application on heritage grounds. We consider that your local authority should consider the planning balance as required by paragraph 202 of the NPPF. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199, 200 and 202 of the NPPF. Please see our comments dated 4th November 2021 for the policy context.</p> <p>In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.</p> <p>Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.</p> |
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 37 | 24 | 2 | 3 | 19 |

Neighbour Responses

| Address | Comments |
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| 3 Little Park Bovingdon Hemel Hempstead Hertfordshire HP3 0JB | <p>I am in favour of this application both as a member of St Lawrence Church congregation and a resident of Bovingdon.</p> <p>The church sits in the heart of the village and needs redeveloping in order to expand its service to the community. To do this additional space is needed with modern facilities such as disabled toilets.</p> <p>The linked hall will provide flexible space for Children's Ministry on a</p> |

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| | <p>Sunday which currently takes place in a side aisle. It will also create meeting rooms for weekday activities for all age groups.</p> <p>In addition the combined space of the church and hall will accommodate events such as concerts and festivals that require a bigger space than the Memorial Hall.</p> |
| <p>4 The Hollies Bovingdon Hemel Hempstead Hertfordshire HP3 0ND</p> | <p>A vital development to enable the church to conform to modern standards expected of public buildings (e.g. wheelchair access, toilet facilities) ; to establish a building flexible to accommodate different forms of worship (e.g. young people groups can be accommodated simultaneous with worship services); to establish a building capable of seven day per week use by the church and wider community (e.g. office and server kitchen facilities and small meeting rooms).</p> |
| | <p>I wish to object to the above proposal to build an extension on to the church.</p> <p>My family are buried there and according to the plans my father uncle and cousin's graves would be too close to this building which would be disruptive to the graves.</p> <p>My mother died last year and we are waiting for family to visit the UK when we intend to have her ashes interred with my father. My uncles ashes have been interred with my father and it is also my aunties wish to have her ashes interred with her husband. Not exactly ideal or respectful to be planning to build an eyesore in my opinion so close to the graves.</p> <p>I oppose this application on the grounds given above.</p> |
| <p>11 Eastnor Bovingdon Hemel Hempstead Hertfordshire HP3 0QL</p> | <p>As a long term resident of Bovingdon and active member of the congregation, I fully support the construction of the extension. This extension will not only be used for church purposes but for community engagement activities which will benefit the residents of Bovingdon and the wider community.</p> |
| <p>Long Meadow Flaunden Lane Bovingdon Hemel Hempstead Hertfordshire HP3 0PA</p> | <p>I support the proposal so that St Lawrence Church may be enabled to provide spiritual and community services to the people of Bovingdon that are fit for the current century and beyond. Without this development the church will become nothing more than a museum.</p> |
| <p>4 Lancaster Drive Bovingdon Hemel Hempstead Hertfordshire HP3 0RX</p> | <p>This proposal addresses a key need in Bovingdon, and for St Lawrence Church.</p> <p>I am a regular user of the church, alongside all members of my family. The current provision of space is not-fit-for-purpose. The church hall is separated from the main building by a significant distance which makes combined use impractical. The church is significantly limited in its ability to</p> <p>This proposal addresses a key need in Bovingdon, and for St Lawrence Church.</p> <p>I am a regular user of the church, alongside all members of my family. The current provision of space is not-fit-for-purpose. The church hall is separated from the main building by a significant distance which makes combined use impractical.</p> <p>The church is significantly limited in its ability to hold events and</p> |

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| | <p>fundraising due to the lack of space and having no ability to split the space according to need. The lack of disabled access and indoor toilet is also a problem.</p> <p>As a resident of the village, we are lacking sufficient community space and this would help to address that. As a user of the church, the need is clear. This proposal has my full support.</p> |
| <p>Ty Isaf Trelewis CF46 6RD</p> | <p>The architect who drew up the plans has confirmed that the area of AT LEAST THIRTEEN of my family's graves - several of which are less than 25 years old - will be "disturbed" by this work: either my family members will be dug up and moved, their graves built upon, or their graves disturbed by digging the footings and the general act of building. Some of these graves are waiting for the end of COVID-19 to have more recently deceased relatives' ashes interred.</p> <p>My family have lived in Bovingdon for over 200 years. There are over 200 family baptisms, marriages and funerals recorded in the Church Registers at St Lawrence Church, Bovingdon. Many of us still live in the area, and at least five generations of the family are buried at St Lawrence Church.</p> <p>This plan shows lack of reverence for past family members. These graves are not just a piece of local history; these are ordinary people who suffered all the ordinary emotions as we do today:- some were soldiers fighting in the Boer War and the Great War; one was also a Chelsea pensioner; my great grandmother was buried there in 1910, after dying in a fire; two of her children died as infants and are buried right by the back door of the church. The proposed building work also shows a deep lack of respect for contemporary family members who are still alive and living locally, some of whom propose to be buried in this family area in the fullness of time.</p> <p>A principle of the Church of England is that burial of human remains after death is a FINAL act unless there are exceptional reasons to disturb those remains. I do not accept that the reasons for this building meet the criteria.</p> <p>I cannot agree with the Church statements that the new building will blend in with the original Church building and its surroundings. It will be immediately adjacent to the church and the difference in appearance and materials will be in sharp contrast - the mix of brick, flint, different colour roofing, glass entrance, etc., does not look at all in keeping with the current church of 1845 - which is a Grade II listed building.</p> <p>It will also look out of place in the predominantly green surroundings of the remainder of the Churchyard. The type of proposed events will disturb the peace, tranquility and comfort that the churchyard is intended to provide - the wide range of activities such as concerts, fundraisers, festivals, wedding receptions will compromise this.</p> <p>Further consideration should also be given to additional air pollution as the purpose of the new building is to attract more people - thereby undoubtedly bringing more traffic to the church and the village, and this will in turn impact the parking situation in the village. The church has</p> |

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| | <p>very limited parking of its own.</p> <p>I oppose the Planning Application on the grounds of traffic, pollution, parking, ecology, tranquility lost, and the sanctity of graves and urge you to agree to reject the planning application.</p> |
| <p>1 Dellfield Close Berkhamsted Hertfordshire HP4 1DS</p> | <p>I have been a member of St Lawrence congregation for more than 30 years. The church facilities are much in need of updating and the new hall will bring so many benefits to the congregation and to the local community.</p> |
| <p>6 Granville Dene Bovingdon Hemel Hempstead Hertfordshire HP3 0JE</p> | <p>We fully support this application. Adequate disabled access and toilet facilities are long overdue. A fit for purpose kitchen, modern meeting rooms and office space would enable the building to be used effectively for worship and so many more events, both for the congregation and for the wider community. The parking available is much more generous and accessible than at the current hall, making this development an attractive option for use by community groups. This development would give both the congregation and the community a modern, accessible, user friendly facility that it is currently lacking.</p> |
| <p>12 Lancaster Drive Bovingdon Hemel Hempstead Hertfordshire HP3 0RX</p> | <p>I support the need to provide adequate facilities both for the worshipping community and village as a whole. Currently there is a hall some distance from the church down a narrow, difficult to traverse route (no footpath). It has a restricted parking area, which regularly floods, rendering access to the front door impossible for potential hall-users. (Photo evidence available). The storage area is reached by exiting the hall to one side and then into a separate portacabin so that everything needed for an activity - tables, chairs, play mats, toys etc must be taken outside before they can be used inside the hall. Poor weather means hall users get wet and cold passing furniture to each other from the portacabin into the hall and back after use. This is impractical and potentially unsafe underfoot in wet weather leading potential hall users to seek alternative venues outside of Bovingdon village. The two toilets, while sufficient, are heated by facilities more usually seen to keep frost from greenhouses.</p> <p>The church congregation is unlikely to grow within the current restricting, fixed pews arrangement as there is nowhere for children to take part in separate activities from the main service. No designated area for feeding infants, changing facilities or even a decent toilet (when several should be provided).</p> <p>As the church currently presents, there lacks the opportunity to open up to a wider village use due to the cramped nature of the fixed layout, lack of storage, office space, fit-for-purpose kitchen, appropriate disabled access and toilet facilities. This in turn restricts the opportunity for the church to cover the sorely needed cost of maintenance and cleaning which currently falls on the shoulders of the aging congregation.</p> <p>Please pass the plan for our lovely new hall so that Bovingdon villagers can benefit from it for many generations to come.</p> |
| <p>21 Chipperfield Road Bovingdon Hemel Hempstead Hertfordshire</p> | <p>I support this application for an extension. There is a great need for a church hall including toilet facilities and a disabled toilet adjacent to the church. This could be made available to the general public where there is a great need for more meeting rooms. I believe this application has</p> |

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| HP3 0JN | the support of the Parish Council. Toilets at the church at present are totally inadequate. |
| Church View 10 Church Street Bovingdon Hemel Hempstead Hertfordshire HP3 0LU | This extension will provide a much needed facility which will benefit both the church congregation and the wider community. The new hall will be modern, flexible and attractive to a number of community groups. It will also help to attract new generations to the church who will in turn support it financially and keep it viable. The plans also provide access for disabled people to both hall and church. |
| 21 Church Street Bovingdon Hemel Hempstead Hertfordshire HP3 0LU | Comments can be viewed online via public access at dacorum.gov.uk (planning applications) |
| 20A Church Street Bovingdon Hemel Hempstead Hertfordshire HP3 0LU | <p>We fully support this application. We are regular attendees of the church as well as close neighbours and can fully appreciate the great need for this extension to accommodate the current requirements of the church and local community. It will provide essential space for church activities, especially for children and young families, particularly during services as well as local groups at other times . At present many of these activities can only take place in the church hall on Vicarage Lane where there is minimal parking and unsafe pedestrian access from the church due to no pathway down a narrow, unlit roadway.</p> <p>The extension will provide a fully accessible and welcoming space to enable all of the existing outdated church facilities and community uses to be accommodated in an attractive, safe and well resourced space constructed to modern building standards whilst being sympathetic to the design to the original building. The extension will also represent an incredibly useful adjunct for providing flexible meeting and activity space in a safe, centrally located established site in the village with excellent access and parking.</p> |
| 20 Church Street Bovingdon Hemel Hempstead Hertfordshire HP3 0LU | We support the need for the development but feel that the red brick outer walls do not blend in with the church and would like to see it of a matching construction. |
| Martlets Church Lane Bovingdon Hemel Hempstead Hertfordshire HP3 0HS | <p>As a neighbour of the Church and a regular attendee and frequent attendee I'm supportive of the plans.</p> <p>I think the extension will benefit the Church and village community by providing a more flexible space and modern facilities. Especially better wheelchair access, toilet and kitchen facilities.</p> <p>The Church building needs to make the updates now that will prepare it for the next 100 years.</p> |
| Church Lane House Vicarage Lane Bovingdon | letter of support can be viewed on-line via public access at dacorum.gov.uk search planning applications. |

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| <p>Hemel Hempstead Hertfordshire HP3 0LT</p> | |
| <p>1 Lychgate Cottages Church Lane Bovingdon Hemel Hempstead Hertfordshire HP3 0HS</p> | <p>My wife and I support this application. An extension to create much needed additional facilities, including modern toilets, kitchen and meeting facilities is long overdue if St Lawrence Church is going to survive and evolve as a working church for its community - that community stretching far beyond the church electoral roll. Research shows that there are at least 12 redundant failed churches for sale in London that has been unable to adapt to change and meet the requirements demanded by a younger generation of parishioner. An extension to the existing Grade 2* building is essential and will be a much needed asset of community value.</p> <p>I say this as a resident of the neighbouring Lychgate Cottages - four of the cottages being the original 'church cottages' dating to the 1600s, and located immediately to the north of the Church.</p> <p>Therefore, my wife and I are among those most impacted by any 'new build' in the churchyard. And we support the application.</p> <p>I note the comments of the parish council - which also supports the application - and some local residents about the choice of building materials for this extension in Bovingdon's Conservation Area. I am sure compromise can be reached to ensure this planning application is approved.</p> <p>There has been a Church on this site since the 13th Century and the current church dates to 1846 in one of Hertfordshire's largest churchyards and the largest still open for burials. The church has served its congregation well - long may that continue with new, modern, efficient facilities benefiting the whole community.</p> |
| <p>3 Homefield Bovingdon Hemel Hempstead Hertfordshire HP3 0HU</p> | <p>I support this application.</p> <p>I am not a regular church goer at St Lawrence, but having been a Bovingdon resident for 30 years I have attended the church for many occasions - Christmas/ Easter events with my children's school, weddings, funerals, fetes etc - and I can appreciate that the church community is trying to provide better facilities for themselves and also the wider community. I have hired their existing hall for events and it is definitely past it's best - to have a new purpose built, multi functional space attached to the church itself would be highly advantageous. It would be beneficial to the church congregation and also be a hub for local community groups and events. It will allow the church to enhance its connection with the wider community and allow it to thrive in the future.</p> |
| <p>Berrymoor Shothanger Way Bovingdon Hemel Hempstead Hertfordshire HP3 0DW</p> | <p>I have been a member of St.Lawrence church since 1994. I am particularly concerned that the facilities do not meet the needs of the children as far as Sunday school activities are concerned. We have been forced to use a facility located on a road the children need to walk to which is dangerous(Vicarage Lane) I strongly believe this single storey planning application will meet those needs. Also as a church this new facility will be so much more inclusive in it's flexible use for the rest</p> |

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| | of the residents in Bovingdon. |
| 6 Ryder Close Bovingdon Hemel Hempstead Hertfordshire HP3 0HY | <p>This proposed development will provide not only St Lawrence Church, but also the whole village community with an up-to-date facility and resource able to cater for the many varied groups within the village. (e.g., toddler groups, support groups etc). It will also enable the Church to develop their own community activities.</p> <p>This is a modern facility that is desperately needed by both the Church and the community of Bovingdon. I fully support the proposal.</p> |
| September Cottage 29 Chipperfield Road Bovingdon Hemel Hempstead Hertfordshire HP3 0JN | I support the application in principle as the church is in need of additional space and facilities, and have no objection to the design of the actual building but I do object to the application, as it stands, as I consider the external brickwork is not in keeping with the existing church building. The red brick appearance of the proposed extension clashes with the flint exterior of the Church. I feel this should match the Church and it would be more appropriate if the roof tiles also match those of the Church. Likewise the style of the proposed windows are out of character and should be the same as those of the Church. I consider a red brick extension would stick out like a sore thumb. |
| West Winds Bovingdon Green Bovingdon Hemel Hempstead Hertfordshire HP3 0LB | <p>I would like to support this application for an extension to the church.</p> <p>It is long overdue the toilet and the kitchen facility are very out of date and a new heating system (hopefully a Heat pump) would off set there carbon emission in becoming an Eco church.</p> |
| 2 The Bourne Bovingdon Hemel Hempstead Hertfordshire HP3 0EN | We feel the exterior appearance of the brickwork is completely out of character with the materials of the existing church and we also dislike the colour of the roofing. The 'modern' extension does not tone in with the existing church. More consideration should be given in respect of matching colours and materials. |

Agenda Item 5b

ITEM NUMBER: 5b

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| 21/04124/FUL | Change of use of ground floor from A1 (retail use) to fish and chip shop (sui generis). Installation of extractor flue pipe. | |
| Site Address: | 98A High Street, Bovington, Hertfordshire, HP3 0HP | |
| Applicant/Agent: | Mr. Raveendrarahay | Mr. S Thanu |
| Case Officer: | Heather Edey | |
| Parish/Ward: | Bovington Parish Council | Bovington/ Flaunden/ Chipperfield |
| Referral to Committee: | Parish Objection and Councillor Riddick call-in request | |

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 It is recommended that the application be approved.

2.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed development would not involve significant alterations to the external appearance of the existing building, with the only addition being the installation of an extractor flue. Given its modest scale and sympathetic matt black external finish, it is not considered that the proposal would detract from the character and appearance of the existing building or streetscene. The proposed development is also considered to be acceptable in terms of its impact on heritage assets, with the proposed extractor flue preserving the character and appearance of the Locally Listed terrace building group and Bovington Conservation Area.

2.3 Whilst the application makes reference to the installation of signage, the proposed plans are indicative only, given that formal advertisement consent is required to regularise these works. The proposed development is not considered to have any adverse impacts on the residential amenity of neighbouring properties, subject to the inclusion of conditions on the formal planning permission requiring further details of noise and odour omissions generated by the development and appropriate mitigation measures to be undertaken being submitted to and approved in writing by the Local Planning Authority.

2.4 Whilst generating increased trips, it is not considered that the proposal would have any adverse impacts on the safety and operation of the surrounding highway network. Furthermore, whilst generating a shortfall in off-street car parking provision, the submitted Parking Stress Survey is considered to sufficiently evidence that there are ample on-street car parking spaces in the immediate area to accommodate the proposed development. Given everything considered above, the proposal accords with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS27 and CS29 of the Dacorum Borough Core Strategy (2013), the Planning (Listed Buildings and Conservation Areas) Act 1990, 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 building, situated off the High Street in the Large Village of Bovington. The existing building forms the end of a Locally Listed terrace building group with staggered roof form, which makes a positive contribution to the character and appearance of Bovington Conservation Area, within which it is sited. The site falls within an Area of Archaeological Significance and is within a risk zone for land contamination.

4. PROPOSAL

4.1 Planning permission is sought for the change of use of the existing building at ground level from A1 (retail use) to a fish and chip shop (sui generis use). In order to facilitate this change of use, the application also proposes the installation of an extractor flue pipe, comprising a matt black finish.

4.2 Whilst consent for the above works was previously sought for under application 20/00336/FUL, this application was withdrawn, in order to enable the Applicant additional time to address concerns raised by statutory consultees. In particular, environmental health and safety concerns were raised with regards to the internal layout of the fish and chip shop, (i.e. noting that it was originally proposed that the toilet area would open out into a food preparation area), and with regards to noise and odour generated by the development and its potential impact on the residential amenity of neighbouring properties/buildings. Given that the internal layout of the fish and chip shop has now been amended and noting that the Environmental Health Team have confirmed that a noise impact and odour assessment can be secured by way of condition, it is considered that the concerns raised under the previous application have been sufficiently addressed.

5. PLANNING HISTORY

Planning Applications

20/00336/FUL - Change of Use from A1 (Retail) to A5 (Hot Food Takeaway)
WDN - 9th April 2021

4/03729/14/FUL - Single storey storage outbuilding
GRA - 7th July 2015

4/02507/14/FUL - Construction of single-storey outbuilding
WDN - 10th November 2014

4/01747/05/FUL - Shutters to front windows and door
WDN - 23rd September 2005

4/00062/00/FUL - Extension and change of use from retail shop to cottage
GRA - 12th June 2000

4/01195/95/FUL - Single storey rear extension and new shopfront
GRA - 31st October 1995

4/01687/89/FUL - Single storey rear extension & shopfront
GRA - 3rd January 1990

6. CONSTRAINTS

Area of Archaeological Significance: 48

CIL Zone: CIL2

Bovingdon Conservation Area

Former Land Use (Risk Zone):

Heathrow Safeguarding Zone: LHR Wind Turbine

Large Village: Bovingdon

Listed Building, Grade: Local,

Parish: Bovingdon CP

RAF Halton and Chenies Zone: Green (15.2m)

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:

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

Main Issues

9.1 The main issues to consider are:

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

Principle of Development

9.2 The site falls within the Large Village of Bovingdon, wherein Policies CS1 and CS4 of the Core Strategy (2013) are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) guides new development to towns and large villages, noting that these areas of the Borough will accommodate

new development for housing, employment and other uses. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) encourages non-residential development for small-scale social, community, leisure and business purposes in this area, provided these uses are compatible with their surroundings.

9.3 The Parish Council have raised objection to the proposal on the grounds that the site is an unsuitable location for a new fish and chip shop. Given that the site falls within the Large Village of Bovingdon and Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013) encourage new development of mixed uses in this area, it is not considered that a refusal of the proposal on these grounds could be sustained.

9.4 In light of everything considered above, the proposed development is considered to be acceptable in principle, according with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).

Quality of Design/ Impact on Visual Amenity and Designated Heritage Assets

9.5 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.

9.6 With regards to designated heritage assets, the NPPF (2021), Policy CS27 of the Core Strategy (2013) all seek to ensure that new development will protect, conserve and where possible enhance the integrity, setting and distinctiveness of designated and undesignated heritage assets. In addition, sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on local authorities to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which it possesses as well as to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

9.7 The application proposes the change of use of the ground floor of the existing building from A1 (retail use) to a fish and chip shop (sui generis use).

9.8 In order to facilitate the proposed change of use, the application originally proposed alterations to the shop frontage of the original building, these works involving the construction of a single storey front infill extension to provide a larger customer food collection area. Given that the existing building is considered to be of architectural interest, the Conservation and Design Officer raised objection to this element of the proposal, raising concerns that works to the front wall could result in the loss of the internal historic fabric of the building.

9.9 In light of the above concerns, the proposal has since been amended, with the proposed alterations to the shop frontage being removed from the scheme. In light of these changes, the only external alterations proposed to the existing building relate to the installation of a new extractor flue pipe and the insertion of new signage.

New Extractor Flue Pipe

9.10 The proposed extractor flue pipe is modest in scale and has been sympathetically positioned on the existing building to ensure that it does not appear a visually prominent addition to the building and wider streetscene.

9.11 Whilst raising no objection to this element of the scheme in principle, the Conservation and Design Officer requested that this addition comprise a matt black external finish. Given that the

Applicant has confirmed that the extractor flue would comprise this external finish, (i.e. as indicated on amended plan AD/21/HIG98A/PL02), it is considered that this addition would be acceptable in design/visual amenity terms and in terms of its impact on heritage assets, noting that it would preserve the character and appearance of the Locally Listed terrace building group, streetscene and Bovingdon Conservation Area.

Proposed Signage

9.12 In connection with the proposed change of use of the site, the application originally proposed the installation of a non-illuminated fascia sign with trough lighting above the existing ground floor front projection. Whilst the Applicant has been advised that separate advertisement consent is required for the installation of signage to the exterior of the building, the positioning and scale of the proposed signage has been amended in order to address concerns raised by the Conservation and Design Team.

9.13 Whilst the Conservation and Design Team have raised no objection in principle to the current scale and positioning of the proposed signage, the Applicant has been advised that these works are not covered under the current planning application; full details of the design, scale and positioning of the proposed signage will need to be submitted to and approved by the Local Planning Authority by way of a formal advertisement consent application.

Conclusion on harm

9.14 Given everything considered above, the proposal is considered to be acceptable in design/visual amenity terms and in terms of its impact on the Locally Listed terrace building group and Bovingdon Conservation Area. It is concluded that no harm is caused to these designated heritage assets. The proposal therefore accords with Policies CS11, CS12 and CS27 of the Core Strategy (2013), the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF (2021).

Impact on Residential Amenity

9.15 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.

9.16 Given the nature of the development and scale/positioning of the new extractor flue, it is not considered that the resultant building would appear visually intrusive or result in a significant loss of light or privacy to neighbouring properties.

9.17 The site is however, surrounded by built form, including residential dwellings along the High Street and Ryder Close. Taking this into account, and given the nature of the development, concerns were however raised that the proposal could cause significant disturbance to neighbouring properties, by way of generating harmful levels of noise and offensive odours.

9.18 Whilst some information has been submitted in support of the current application in order to clarify how the above concerns would be addressed, the Environmental Health Team have confirmed that these details are insufficient, in particular, lacking the detail required to overcome noise and odour concerns.

9.19 With the above in mind, the Environmental Health Team have confirmed that additional details are required, detailing the levels of noise and emissions of fumes/odours likely to be generated by the development and outlining appropriate mitigation measures that would be undertaken in accordance with the relevant legislation (i.e. Commercial Kitchens: Control of Odour and Noise from

Commercial Kitchen Exhaust Systems by Ricardo Energy and Environment 2018). Whilst it was suggested that these details be obtained prior to determination of the application, the Environmental Health Team have confirmed that the current application can be determined, subject to two conditions being attached to the formal planning permission, requiring the Applicant to submit these details to the Local Planning Authority for approval prior to the commencement of the development.

9.20 The conditions set out by the Environmental Health Team are considered to meet the relevant tests, in particular, being both reasonable and necessary to ensure that the proposal would not cause significant disturbance to surrounding properties. The Applicant has agreed to the above pre-commencement conditions being attached to the formal planning permission.

9.21 Given the above assessment, the proposal is considered to be acceptable in terms of its impact on the residential amenity of neighbouring properties. As such, the proposal accords with Policy CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2021).

Impact on Highway Safety and Parking

9.22 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.

9.23 The Parish Council have raised objection to the development on the grounds that the proposal would create increased traffic and parking issues.

9.24 The proposal would not involve any changes to the existing site access or adjacent public highway. Whilst the proposal would intensify the use of the site, (i.e. generating increased trips to and from the site), the Highways Authority have raised no objection to the development in this regard, concluding that the proposal would be unlikely to have a significant impact on the safety and operation of the surrounding highway network.

9.25 With regards to parking, the application site would not provide any off-street car parking provision for users of the fish and chip shop. Given that the Parking Standards Supplementary Planning Document (2020) states that buildings of sui generis (formerly A5 uses) should provide one off-street car parking space per 3m² of floorspace of bar area, plus three spaces per 4 employees, the proposal would generate a shortfall of four off-street car parking spaces.

9.26 Paragraph 6.10 of the Parking Standards Supplementary Planning Document (2020) does however note that deviations to the Council's parking standards can be made where '*on-street parking stress surveys, (undertaken in accordance with the specification provided in Appendix C), indicate sufficient spare capacity or there is a controlled parking zone for the area or one is proposed and secured (new residents will not normally be allocated permits unless surveys show ample spare on-street capacity).*'

9.27 The Applicant has submitted a Parking Stress Survey in support of the application. Whilst this document notes that the proposal would generate a slight increase in parking stress in the surrounding area, (i.e. increasing levels from approximately 60% to 65%), the report concludes that the proposed development would not significantly worsen the existing parking situation, with ample on-street parking spaces available to accommodate customers of the new business.

9.28 Whilst the submitted survey largely accords with the specifications set out under Appendix C of the Parking Standards Supplementary Planning Document (2020), the method of data collection was altered to ensure that the data collected was of more relevance to the site location and nature of the proposed development. For example, data was collected across the proposed business hours when customers would be most likely to use the fish and chip shop, (i.e. between 11am and 10pm

on Thursday, Friday, Saturday and Sunday), and the survey was further limited to a 120m area, (i.e. rather than the 500m site area set out in Appendix C), given that it was considered that customers of the new business would be unlikely to want to travel further than a 1 minute walk from the site to their vehicle.

9.29 Given that the submitted Parking Stress Survey concludes that sufficient on-street parking is available in the immediate site area, it is considered that sufficient evidence has been provided in accordance with Paragraph 6.10 of the Parking Standards Supplementary Planning Document (2020) to justify the shortfall of parking generated by the development.

9.30 In light of everything considered above, it is not considered that a refusal of the scheme based on its impact on highway/pedestrian safety and on the proposed parking arrangements could be sustained or justified. 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

Contamination

9.31 The site falls within a Former Land Risk Zone for contamination. In light of this, the DBC Scientific Officer was consulted on the scheme and asked to assess whether the proposal would be likely to give rise to any concerns in relation to ground contamination.

9.32 The DBC Scientific Officer has raised no concerns or objections to the scheme in this regard, noting that the proposal would not involve a change of use of the land or involve any significant ground works.

Archaeology

9.33 The site falls within an Area of Archaeological Significance. In light of this, the County Archaeologist was consulted on the scheme and asked to assess whether the proposal to have an adverse impact on heritage assets of archaeological interest.

9.34 Whilst no formal response has been received from the County Archaeologist, it is not considered that the proposal would generate any concerns in this regard, given the nature of the proposed development, (i.e. noting that the proposal would not involve any ground works). As such, no concerns are raised in this regard.

Waste Management

9.35 The Parish Council have raised concerns with regards to waste disposal, raising concerns that the proposed arrangements are inappropriate.

9.36 The proposed plans indicate that waste bins would be stored in the same position as existing bins, (i.e. sited to the front of the building, set back from the highway). Whilst no formal comments have been received from the DBC Waste Services Team with regards to these arrangements, it is not considered that a refusal of the scheme on these grounds could be sustained, given that waste disposal arrangements would remain largely similar to existing waste collection/disposal arrangements. Furthermore, consideration is also given to the fact that waste collection/disposal arrangements would be subject to formal controls and legislation outside of the planning process.

Response to Neighbour Comments

9.37 Four neighbours have raised objection to the scheme, raising the following concerns:

- The proposed development would generate significant parking stress, increase traffic and generate highway/pedestrian safety concerns
- The proposed development would generate excessive odour/smells
- The proposed development is unacceptable in design terms, with the resultant building appearing out of keeping with surrounding development
- The proposed development would result in the loss of business for other food establishments operating in the area

9.38 The first three reasons for objections listed above, have been considered and assessed in more detail during earlier sections of the report. Given that the final reason for objection listed above fails to reflect a material planning consideration, it has not been further considered as part of the formal assessment of the current proposal.

Community Infrastructure Levy (CIL)

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

10. CONCLUSION

10.1 It is recommended that the application be granted planning permission.

10.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed development would not involve significant alterations to the external appearance of the existing building, with the only addition being the installation of an extractor flue. Given its modest scale and sympathetic matt black external finish, it is not considered that the proposal would detract from the character and appearance of the existing building or streetscene. The proposed development is also considered to be acceptable in terms of its impact on heritage assets, with the proposed extractor flue preserving the character and appearance of the Locally Listed terrace building group and Bovingdon Conservation Area.

10.3 Whilst the application makes reference to the installation of signage, the proposed plans are indicative only, given that formal advertisement consent is required to regularise these works. The proposed development is not considered to have any adverse impacts on the residential amenity of neighbouring properties, subject to the inclusion of conditions on the formal planning permission requiring further details of noise and odour omissions generated by the development and appropriate mitigation measures to be undertaken being submitted to and approved in writing by the Local Planning Authority.

10.4 Whilst generating increased trips, it is not considered that the proposal would have any adverse impacts on the safety and operation of the surrounding highway network. Furthermore, whilst generating a shortfall in off-street car parking provision, the submitted Parking Stress Survey is considered to sufficiently evidence that there are ample on-street car parking spaces in the immediate area to accommodate the proposed development.

Given everything considered above, the proposal accords with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS27 and CS29 of the Dacorum

Borough Core Strategy (2013), the Planning (Listed Buildings and Conservation Areas) Act 1990, 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):

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

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

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

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. **Before any mechanical services plant including refrigeration and kitchen extraction plant to which the application refers, is used at the premises, a scheme shall be submitted to and approved in writing by the local planning authority which demonstrates that the following noise design requirements can be complied with and shall thereafter be retained as approved.**

The cumulative measured or calculated rating level of noise emitted from the mechanical services plant including refrigeration and kitchen extraction plant to which the application refers, shall not exceed the existing background noise level at all times the plant and equipment is in use. The measured or calculated noise levels shall be determined in accordance to the latest version of British Standard 4142.

Reason: To protect the residential amenities of the locality, having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

4. **A scheme for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises shall be submitted to and approved in writing by the local planning authority. Any equipment, plant or process approved pursuant to such details shall be installed prior to the first use of the premises and shall be operated and retained in accordance with the approved details and operated in accordance with manufacturer's instructions.**

The scheme shall reflect guidance, and risk assessment, set out in guidance Commercial Kitchens: Control of Odour and Noise from Commercial Kitchen Exhaust Systems (by Ricardo Energy and Environment 2018).

Reason: To protect the residential amenities of the locality, having regard to Policies CS12 and CS32 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 carried out in accordance with the following approved plans/documents:**

Parking Stress Survey (Bovingdon Parking Survey)

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

Informatives:

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

2. 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) 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.

3. ADVERTISEMENT INFORMATIVE

Advertisement consent is required for the installation of new signage to the exterior of an existing building. As such, the signage shown on proposed plan AD/21/HIG98A/PL02 - Page 2 of 2 is indicative only; formal advertisement consent is required to regularise this signage.

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
|--|---|
| Conservation & Design (DBC) | <p>A previous application for change of use to a fish and chip shop was withdrawn.</p> <p>Neil provided advice on the previous application and stated that the building is of architectural interest and could contain historic fabric. The proposed removal of a section of front wall could impact upon historic fabric and it would be useful if the applicant could provide some photos internally / advise on the construction of the property. A site visit may be needed.</p> <p>The position and design / finish of the flue to the rear is acceptable - it should have a matt black finish.</p> <p>The proposed enlargement of the front extension and introduction of a shopfront does create a more imposing façade, conservation would prefer to see the amended scheme (in previous withdrawn application) taken forward as an alternative to the current proposal. The previous scheme did not entail removal of the remaining section of wall to the front elevation which also raises concerns.</p> <p>The proposed shopfront has no signage zone so that creates an issue as it is presumed signage will be required? This should be indicated on the plans. Signage should be externally or possibly halo illuminated.</p> <p>Recommend the application is amended.</p> |
| Bovingdon Parish Council | <p>Object ' over development. Inappropriate position for a Fish & Chip shop in conservation area and concern that it would create traffic and parking issues. Waste disposal arrangements are inappropriate / unacceptable as increased waste from Fish & Chip shop.</p> |
| Environmental And Community Protection (DBC) | <p>An Officer visited the site last Friday and he confirms that the first floor of this building is not currently a dwelling. Accordingly, he thinks the proposed change of use can feasibly take place subject to conditions regarding noise and odour:</p> <p>I have reviewed the application and believe that the proposed change of</p> |

use is possible subject to the appropriate assessment and control of noise and offensive odour associated with a commercial kitchen. I note that some information on the noise emission of some proposed plant and a rudimentary odour assessment has been submitted but these are insufficient in order for the Local Planning Authority (LPA) to be confident that local amenity will be safeguarded should the proposed development proceed.

I would suggest that the LPA holds determination of this application in abeyance until more detailed information becomes available on the noise impact of the proposed extraction system, et al, on neighbouring residential properties and also how offensive odours from cooking will be adequately abated. However, I would recommend the use of the following conditions should the LPA be minded to grant permission at this stage:

1) Before any mechanical services plant including refrigeration and kitchen extraction plant to which the application refers, is used at the premises, a scheme shall be submitted to and approved in writing by the local planning authority which demonstrates that the following noise design requirements can be complied with and shall thereafter be retained as approved.

The cumulative measured or calculated rating level of noise emitted from the mechanical services plant including refrigeration and kitchen extraction plant to which the application refers, shall not exceed the existing background noise level at all times the plant and equipment is in use. The measured or calculated noise levels shall be determined in accordance to the latest version of British Standard 4142.

2) A scheme for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises shall be submitted to and approved in writing by the local planning authority. Any equipment, plant or process approved pursuant to such details shall be installed prior to the first use of the premises and shall be operated and retained in accordance with the approved details and operated in accordance with manufacturer's instructions.

The scheme shall reflect guidance, and risk assessment, set out in guidance Commercial Kitchens: Control of Odour and Noise from Commercial Kitchen Exhaust Systems (by Ricardo Energy and Environment 2018).

CONTAMINATED LAND

Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of

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| | 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. |
| Affinity Water - Three Valleys Water PLC | Thank you for forwarding this application. We have reviewed the development and do not have any comments to make. |
| Hertfordshire Highways (HCC) | This is an interim response owing to concerns regarding the location for parking. From our highway boundary information it appears to show that the highway boundary reaches all the way up to the building. This would mean that the land fronting the dwelling is not suitable for parking owing to it having highway rights. It is acknowledged that the surrounding this area for parking, however, a simple to change to the plans illustrating that this area is no longer used for parking would mean that HCC Highways can deem the proposal acceptable. |
| Conservation & Design (DBC) | <p>There are no great issues with the amended proposal but I still think it would be helpful if the applicant could factor in where the shop signage will go and consider it at this stage. I can imagine shop signage will be required? We would not want to see a large fascia sign proposed above the roof of the ground floor projection / below the eaves of the main building.</p> <p>ADDITIONAL COMMENTS</p> <p>A small section of the main front wall (of 2 storey part) adjacent to the existing door opening is being removed but this is fairly minimal, so no photos required.</p> <p>A sign set above the eaves level of the front projection would look awkward. Could fascia signs be fitted either side of the proposed front door, in upper parts of the windows?</p> <p>Fascia signs should either form part of a shopfront or signage be located immediately above ground floor windows. The previous application indicated the signage would be located above the front extension - this would not be supported. No objections are raised to the current location of the proposed signage.</p> |
| Hertfordshire Highways (HCC) | <p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following</p> |

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) 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 regarding amendments for the change of use to a fish and chip shop. Installation of extractor flue pipe and shop front alterations at 98A High Street, Bovingdon. High Street is a 30 mph classified C local distributor route that is highway maintainable at public expense. The amendments were made to ensure that parking was not

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| | <p>happening within the highway boundary. Highways rights for this area extends all the way to the shop fronts, however, it is acknowledged overtime that this area has now become garden for some houses and used as parking for many others.</p> <p>Vehicle Access The application is not proposing any on site parking however, there is ample on street parking opposite the site. Parking is a matter for the Local Planning Authority and therefore any parking arrangements will need to be agreed by the. The change of use will increase trips to and from the area but it is not considered to have a major impact on the operation of the surrounding highway network.</p> <p>Refuse bins would not normally be allowed to be kept on highways rights land, however, in this case they have been in this location for over 10 years without incident. As the land fronting the site has highway rights upon it, HCC Highways at any time has the right to enforce this area which includes structures, vehicle parking and other other objects that we deem are obstructing the highway network.</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.</p> |
|--|--|

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 7 | 4 | 0 | 4 | 0 |

Neighbour Responses

| Address | Comments |
|---|--|
| 15 Gilliflower street Aylesbury Hp18 0gl | We own a mobile fish and chip van that has come to Bovingdon for the past 2 years, we was asked to come by a lot residents when the fish and chip shop closed down. Very concerned that it will affect trade for us. |
| 92A High Street Bovingdon Hemel Hempstead Hertfordshire HP3 0HJ | To Whom it may concern, I object to this proposal, predominantly on the grounds of inadequate parking. The parking provisions in place for the Costcutter cutter convenience store, to which the Chip shop will be attached, is already so highly inadequate, that on numerous occasions throughout the day |

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| | <p>every day, vehicles completely block the pavement, forcing people to walk in the road. On one occasion, I witnessed a Mother having to push her pram, blindly out into the road to get past.</p> <p>With the addition of a chip shop, this is only going to increase traffic, increase the number of cars wishing to park, and therefore increase the risk of a serious accident. If the issue were to be addressed, maybe with bollards, which will stop vehicles blocking the pavement, I will reconsider my opposition.</p> <p>I do also feel that a chip shop is completely out of character for this end of the high street and as a direct neighbor, the constant smell is not something I welcome.</p> |
| <p>16 Green Lane Bovingdon Hemel Hempstead Hertfordshire HP3 0HT</p> | <p>Parking in the immediate area of the proposal is already out of control often pushing people especially those with pushchairs or mobility issues into the road.</p> <p>The opening hours are excessive for the nature of the business.</p> <p>Not satisfied that enough has been done to reduce the amount of odour from the vent.</p> |
| <p>8 High Street Bovingdon Hemel Hempstead Hertfordshire HP3 0HG</p> | <p>Hi we are running a small family business in bovingdon for the past 9 years and it is just enough for us also for the past 2 years we have Struggled a lot of the COVID pandemic if this fish and chips does open it will effect us we will loose a lot of business. it's not enough for one more food business there are enough food businesses already hope you understand our point.</p> <p>THANK YOU</p> |

Agenda Item 5c

ITEM NUMBER: 5c

| | | |
|------------------------|---|---------------|
| 21/02964/FUL | Demolition of 3x existing garages and erection of 1x 4 bedroom shallow bungalow with 4 dormers on roof slope including parking space, bin and bike stores | |
| Site Address: | 118 Hempstead Road, Kings Langley, Hertfordshire, WD4 8AL | |
| Applicant/Agent: | Mr Akhtar | Mr A MARTIN |
| Case Officer: | Daniel Terry | |
| Parish/Ward: | Kings Langley Parish Council | Kings Langley |
| Referral to Committee: | The Parish Council has provided a contrary view to the officer recommendation | |

1. RECOMMENDATION

1.1 That planning permission be GRANTED, subject to conditions.

2. SUMMARY

2.1 The proposal would amount to inappropriate development in the Green Belt, however Very Special Circumstances exist in this case which provide a clear reason for supporting the application. As such, the proposal is considered to comply with policy CS5 of the Core Strategy and accords with the NPPF.

2.2 The design, appearance and scale of the dwelling has been amended through discussions between the LPA and the applicant and the revised scheme is considered acceptable and complies with policies CS11 and CS12 of the Core Strategy.

2.3 The proposal would not result in unreasonable harm to neighbouring amenity and the living conditions of the future occupiers of the site are considered adequate, subject to appropriate planning conditions. The proposal therefore accords with policy CS12 in that regard.

2.4 There would be no significant impacts on highway safety and the scheme would provide adequate parking provision in accordance with the Council's Parking Standards SPD. The proposal also therefore complies with policy CS12 of the Core Strategy.

3. SITE DESCRIPTION

3.1 The application site lies on the eastern side of Hempstead Road and comprises an area to the side of No.118 Hempstead Road, currently occupied by two buildings. One of these is described in the planning history as a workshop but understood to be in an ancillary residential use, whilst the building shown as 'C' benefits from a Lawful Development Certificate confirming this can be occupied as a residential annex. As a procedural point, it should also be noted that all three buildings have been described as garages, but this is not the case as set out above.

3.2 The building shown as 'B' benefits from a Lawful Development Certificate but has not yet been constructed. This would comprise of a triple garage, if constructed.

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 structures on site and for the construction of a 4-bed dwelling, with two bedrooms at ground floor and two bedrooms at first floor.
- 4.2 Two parking spaces have been shown on the plans to the side of the dwelling, along with a bike store and a bin store to the front boundary. The development would be accessed via the existing access onto Hempstead Road shared with No.118 Hempstead Road.

5. PLANNING HISTORY

Planning Applications (If Any):

20/03228/FUL - Demolish Workshop. Construction of 3 Bed House.
Refused - 14th December 2020

4/01863/19/LDP - Conversion of storage shed to residential annexe
Granted - 30th September 2019

4/02813/18/FHA - Rear loft conversion
Granted - 2nd January 2019

4/01986/18/LDP - Construction of out building to create a cinema / games room
Refused - 20th November 2018

4/01985/18/LDP - Construction of garage
Granted - 20th November 2018

4/02355/02/FHA - Extension of cross-over
Refused - 13th January 2003

4/00070/93/FHA - Two storey side extension & double garage
Granted - 1st April 1993

Appeals (If Any):

6. CONSTRAINTS

Article 4 Directions: Land at Abbots Rise, Kings Langley
Canal Buffer Zone: Minor
CIL Zone: CIL2
Former Land Use (Risk Zone):
Green Belt: Policy: CS5
Heathrow Safeguarding Zone: LHR Wind Turbine
Oil Pipe Buffer: 100
Parish: Kings Langley CP
RAF Halton and Chenies Zone: Yellow (45.7m)
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 (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
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS25 - Landscape Character
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

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;
- Whether Very Special Circumstances exist;
- 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 replacement of existing buildings in the same use; or 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 d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; or g) the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
- 9.4 It is therefore concluded that the proposal could be acceptable in principle and an assessment of the proposals and impact on Green Belt openness is provided below.

Impact on the Openness of the Green Belt

- 9.5 With regard to both paragraph 149 d) and 149 g) of the NPPF, one starting point in terms of the Green Belt assessment is to consider any increases of built form in floor space and volume terms. The submitted 'existing' site plan suggests that there are three existing buildings that would be demolished and these have a cumulative floor area of 167.9sqm (square metres) and a volume of 530.2cu.m (cubic metres).
- 9.6 Notwithstanding the above, it is noted that the building shown as Building B has not yet been built out, so in terms of firstly understanding the existing position on site, the Local Planning Authority's (LPA) view is that the 'existing' buildings are therefore those shown as A and C. Based on the planning history and from measuring the plans, building A has a floor area of 45.4sqm and a volume of approximately 109cu.m, whilst building C has a floor area of 48.6sqm and a volume of 113cu.m (noting therefore some slight discrepancy with those figures stated on the plan).
- 9.7 Taking buildings A and C together therefore, the existing built form on site to be replaced amounts to a floor area of 94sqm and a total volume of 222cu.m. This compares with the proposed built form of 147.6sqm and a volume of 366.15cu.m and as such, would be larger in built form terms than those buildings currently occupying the site. As such the proposal would not comply with paragraph 149 g) of the NPPF. It is of further note that the buildings to be demolished would have heights ranging between 3.1m and 4.6m, whilst the proposed dwelling would have a maximum height of 5m.
- 9.8 There is no definition as to what constitutes 'materially larger' for a replacement building in the Green Belt and so cases must be assessed on their own merits, however at an increase in floor area of around 63% and a volume increase of around 60.6%, it is considered that the replacement would be materially larger and so the proposal would fail to comply with paragraph 149 d) of the NPPF. It is therefore appropriate to consider whether any Very Special Circumstances exist.
- 9.9 In addition to the above, there would also be some other limited harm in Green Belt terms from the intensification of the site and likely increase in vehicular movements. This is because the occupation of the site as a separate dwelling unit would be more intensive compared with the likely occasional use of the outbuildings at present.

Whether Very Special Circumstances exist

- 9.10 As the proposal would be larger than the buildings it would replace, the proposal is considered to constitute inappropriate development. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 adds that, when considering

any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 9.11 In this regard, the applicant has indicated that Building B benefits from an existing Lawfulness Development Certificate (LDC) under ref: 4/01985/18/LDP. This outbuilding would comprise of a triple garage with a floor area of 72sqm and a volume of 222.8cu.m. When combining this with the existing buildings A and C, this would therefore mean a total floor area of 219.6sqm and a total volume of approximately 589cu.m, whereas the proposed dwelling would have a floor area of approximately 165sqm and a volume of 381.3cu.m (again noting some discrepancy with what is stated on the plans).
- 9.12 Therefore, notwithstanding that there is some discrepancy between the officer calculations and the figures provided by the applicant, it is nonetheless clear that the existing built form, together with what could be achieved under permitted development, would result in a greater amount of built form than is currently being proposed under this application. As such, it is considered that the proposal represents a betterment in built form terms and in addition, would result in the consolidation of built form. Furthermore, the removal of a substantial amount of existing hardstanding to be replaced largely in part by a new lawn, would also be a recognised benefit of the scheme.
- 9.13 Therefore, taking all of the above into consideration, it is considered that Very Special Circumstances do exist and present a clear reason for supporting the application in this instance and the proposal is therefore considered to accord with paragraphs 147 and 148 of the NPPF. Whilst the proposal is therefore considered acceptable in Green Belt terms, it is appropriate in this instance to remove permitted development rights to ensure that further extensions, outbuildings etc. to the dwelling would not take place, which may ultimately result in a greater impact to the openness of the Green Belt.

Quality of Design / Impact on Visual Amenity

- 9.14 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.
- 9.15 Concerns were raised by the Council's Conservation and Design Officer during the course of the application. It should be noted that the site is not within a Conservation Area and the nearest listed building is around 105m away to the north-west, being the former 'The Eagle' public house, but most recently occupied by Inspired and The Kitchen, two food establishments. The C&D Officer's comments therefore relates solely to the design aspects of the scheme and make no mention of impacts to heritage assets.
- 9.16 Although the LPA cannot design a scheme on behalf of the applicant, discussions did take place during the course of the application, in which officers shared the concerns of the C&D officer. To avoid what was initially considered a somewhat 'squat' appearance, amended plans were received which reduced the depth of the first floor level, thus correcting the pitch of the roof to a more appropriate appearance, and the dormer windows were made smaller in scale. The view of officers is that this proposed dwelling now has a more appropriate

appearance in the context of the site on Hempstead Road, whilst ensuring that the scale and height are also appropriate in Green Belt terms.

- 9.17 With regard to the choice of building materials, the C&D Officer raised concerns with the vagueness of details provided, suggesting that they would 'match the existing building', although it is unclear whether this means No.118 Hempstead Road, the two buildings to be demolished or the triple garage that could be built under PD. In any case, it is considered appropriate to impose a planning condition requiring details of the material to be submitted for the avoidance of doubt.
- 9.18 In terms of the general site layout, the positioning of the dwelling would appear to largely respect the location of No.118 and No.120 Hempstead Road in terms of their position in relation to the highway. Parking would be provided to the side of the dwelling and a reasonably sized garden would be provided to the front, side and rear of the dwelling itself. Based on the limited detail provided at this stage, it is considered appropriate to impose a condition requiring a landscape scheme to be submitted.
- 9.19 Therefore, the proposals are considered to comply with policies CS11 and CS12 of the Core Strategy.

Impact on Residential Amenity

- 9.20 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.
- 9.21 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.
- 9.22 Based on the site specific context, it appears that the only residential property likely to be subject to potential harm is the existing dwelling at No.118 Hempstead Road. Its adjoining neighbour to the north, No.120 would be 'shielded' from the development by this attached neighbour. Similarly, at a distance of around 41m it is not considered that the proposal would unreasonably impact No.121 Hempstead Road to the opposite side of the highway, as that neighbour is located on a higher ground level and there is existing vegetation along the western edge of the application site which would prevent any direct views.
- 9.23 Therefore with regard to the impact on the existing dwelling at No.118, the two dwellings would be separated by a distance of around 14m at its nearest point. There is no policy requirement or guidance for side-to-side distances but spacing should ideally be consistent with those found locally, or greater. In this instance, the spacing between this proposed dwelling and the existing at No.118 would be considered to generally respect the spacing that can be found on the opposite side of the highway between No.121 and No.123 Hempstead Road.
- 9.24 It is noted that No.118 comprises a number of window openings in its side elevation facing the application site, however at a distance of around 14m, it is not considered that the physical built form would unreasonably affect this existing dwelling. Similarly there are no windows proposed in the side elevation that would appear to overlook this existing dwelling. The windows proposed at first floor level in the rear elevation (served by dormers) would appear to provide some element of overlooking of No.118's rear garden, however this is partially screened by existing mature trees along the eastern boundary of the site. No concerns are raised in relation to the side facing windows as these are located at ground

floor level and would not provide any advantageous views above simply standing on the site where the proposed parking spaces are located.

- 9.25 With regard to the living conditions of the future occupiers of the site, the windows in the principal and rear elevations are considered to have an acceptable outlook, as would the ground floor windows in each of the side elevations. Saved Appendix 3 requires new dwellings to have a garden depth of at least 11.5m, but in this case, the main part of the garden would only have a depth of around 10.5m. The dwelling could be moved farther forward towards the highway to ensure this extra garden depth, however this would compromise other aspects, such as the outlook from the windows and potential noise impacts from the highway. In any case, the dwelling would be set within a relatively spacious plot with garden areas also provided to the front and sides of the dwelling. It is therefore considered that the proposal would be acceptable in this instance and the garden areas in total would appear to be at least double the size of the footprint of the house.
- 9.26 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.

Impact on Highway Safety and Parking

- 9.27 Policy CS12 of the Core Strategy and paragraph 110 of the NPPF require development to provide safe and suitable access for all users.
- 9.28 The Highway Authority have been consulted who consider the use of the existing access to be acceptable, noting there are no reported incidents in the past 5 years. The HA also consider that the increase in the number of vehicular movements would be minimal. Lastly, they note that, whilst parking is a matter for the LPA, they consider that there is sufficient space shown on the plans to allow vehicles to turn and exit the site again in a forward gear.
- 9.29 In sustainability terms, the Highway Authority note that the nearest bus stops are within 400m of the site and that Apsley station is around 1.2km away, both of which are considered reasonable distances for walking or cycling, in accordance with HCC's Local Transport Plan (2018). There are no apparent concerns in relation to bin collection of emergency vehicle access and as such, the Highway Authority raise no objections to the application. They have however suggested three planning informatives that should be included as part of any grant of planning permission.
- 9.30 With specific regard to parking, the Council has adopted its Parking Standards SPD (2020) which suggests that a 4-bed dwelling located in zone 3 should be provided with at least three parking spaces, whilst two have been indicatively shown on the plans. It is however noted that parking spaces should be a minimum of 2.4m by 4.8m and the spaces shown would exceed these requirements. As such, it appears entirely plausible that a third space could be provided to the side of the dwelling without affecting the turning space on site. This is important because the existing dwelling at No.118 would share this space between the two dwellings. Therefore with regard to parking, the LPA raises no concerns and it appears that the development would be served by adequate parking provision. Similarly, sufficient parking spaces would be retained to the existing dwelling at No.118 Hempstead Road.
- 9.31 The Parking Standards SPD also requires new development to incorporate electric vehicle charging points and these have not been shown on the plans and should therefore be secured via a planning condition.

- 9.32 As such it is considered that the proposal would be acceptable in respect of highway safety and parking provision. The proposal is therefore considered to comply with policy CS12 of the Core Strategy, the Parking Standards SPD and complies with the NPPF in this regard.

Other Material Planning Considerations

- 9.33 With respect to trees, the Council's Trees and Woodlands Officer considered that the trees surrounding the site on three sides are of no particular merit and that these could be replaced with a more appropriate species. However, these trees appear to fall outside of the application site and so are not within the scope of this application to replace. That being said however, the impact on these trees is still a consideration.
- 9.34 The proposed dwelling would be positioned away from these trees thereby providing an improved relationship between these trees and built form, as the existing buildings are located partly under the canopy of these trees. Furthermore, the conversion of the existing hardstanding into a lawn would also make a modest improvement to the potential impact on these trees which is already taking place. In the interests of certainty, it is therefore considered appropriate to request further details of tree protection via a planning condition. This would need to be a pre-commencement condition to ensure that no damage is caused during the demolition of existing structures. In addition to the above, a landscaping condition has already been mentioned above which would ensure appropriate new tree planting and a sufficient quantity of soft landscaping overall.
- 9.35 The Council's Environmental Health team have also been consulted and raise no objections in relation to Contaminated Land, although a standard 'discovery' condition has been suggested. With regard to impact on the living conditions of the future occupiers, the EH Officer considers it necessary and appropriate to impose a condition requiring details of a ventilation strategy to be submitted. This is on the basis that the dwelling may be subject to high levels of noise given the proximity of Hempstead Road and the railway line some distance to the east. Therefore any opening of windows may result in high levels of noise.
- 9.36 Thames Water have commented and confirm that they have no objection, although they have suggested a number of planning informatives.

Response to Neighbour Comments

- 9.37 No comments have been received from neighbours.
- 9.38 The Parish Council have raised concerns with the impacts on the openness of the Green Belt and questioned whether Very Special Circumstances exist. This has been set out above in the report. Further concerns have been raised with regard to parking, highway safety, living conditions of the future occupiers, the layout and density, and the design, all of which have been addressed in the relevant sections of the report above.

10. CONCLUSION

- 10.1 The report has acknowledged that the proposed dwelling would result in a greater impact to the openness of the Green Belt, in both visual and spatial terms, compared with the existing built form on site. As such it has been necessary in this instance to consider whether there are any Very Special Circumstances. In this case these include that a large detached triple garage outbuilding could be constructed under Permitted Development without needing planning permission, and a Lawful Development Certificate has been granted to confirm as such. The LPA therefore considers that there is a legitimate fall-back position in this case and therefore VSC exist to outweigh the harm that might otherwise occur.

- 10.2 The design has been amended through discussions with the LPA and is now considered acceptable, although details of the materials to be used in the external appearance of the building are required via a planning condition. Similarly, further details of the landscaping are required, which should include the provision of at least one new tree.
- 10.3 The report has identified that there would be no unreasonable impacts on residential amenity and the future occupiers of the development would benefit from an adequate outlook and sufficient garden size. A condition is required in relation to ventilation to ensure that no harm would occur to the living conditions arising from noise generated by the highway or train line nearby.
- 10.4 The proposal would be acceptable in relation to highway safety and the proposal would provide adequate parking provision.

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

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

3. **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 accord with paragraphs 174 (e) & (f), 183 and 184 of the National Planning Policy Framework (2021).

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and to accord with paragraphs 174 (e) & (f), 183 and 184 of the National Planning Policy Framework (2021).

5. No development shall take place until a ventilation strategy has been submitted for the approval of the LPA to protect likely future occupiers of new housing from exposure to road transportation & railway noise ingress.

The ventilation strategy shall include an assessment of the likely impact on the residential occupation and shall also consider:

- o How the ventilation strategy impacts on the acoustic conditions. Where the provision includes any Mechanical Ventilation and Heat Recovery (MVHR) systems, to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade
- o Service and maintenance obligations for the MVHR, where required
- o A strategy for mitigating overheating impacts on the acoustic condition including a detailed overheating assessment to inform this.
- o Likely noise generated off-site where mechanical ventilation is introduced to site and, its impact on existing neighbours and any measures to be made to eliminate noise.

The strategy shall be compiled by appropriately experienced and competent persons. The approved ventilation strategy shall be implemented prior to first occupation and which remains in perpetuity in respect of the residential use.

Reason: To protect the residential amenities of the future occupiers given the proximity to road traffic and noise, having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

6. **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).

7. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- o bin store and bike store;
- o all external hard surfaces within the site;
- o other surfacing materials;
- o means of enclosure;
- o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- o 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 (2013).

8. **Prior to occupation of the dwelling, all existing structures located on site as shown on drawing no. Y617/2020/02 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. **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 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 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).

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

Y617/2020/01 (Site Location Plan);
Y617/2020/02 (Existing Block Plan);
Y617/2020/03 (Proposed Block Plan);
Y617/2020/04 (Proposed Ground Floor Plan);
Y617/2020/05 (Proposed First Floor Plan and Roof Plan);
Y617/2020/06 (Garage A Elevations);
Y617/2020/07 (Proposed Elevations);
Y617/2020/07 (Garage B Elevations);
Y617/2020/08 (Garage C Elevations);

received 21 January 2022.

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

Informatives:

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

3. Thames Water: 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>.
4. Thames Water: 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>.
5. 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.
6. 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.
7. 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.
8. 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.

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
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| <p>Conservation & Design (DBC) 2nd August 2021</p> | <p>The pre-app advice indicated that a single bungalow on this Green Belt site might be acceptable. A further aspect of Green Belt policy though is to encourage good design - the proposed building does not fulfil that condition. There are two, wide front and back dormers and an entrance door with side panels; otherwise the building is featureless. Its deep plan creates bland flanking walls.</p> <p>The materials for walls/roof/windows/doors are described as 'to match the neighbouring building', but these need to be specified - being of two storeys the neighbouring building is rendered to the upper storey.</p> <p>The existing entrance walling is constructed of brick and flint so there might be scope to design a more sensitive building, perhaps in a more modern idiom but utilising a traditional combination of these materials more creatively.</p> <p>Is the dense tree cover to be removed entirely? This should be an opportunity to improve the landscape quality of the site but there are no details to demonstrate this.</p> |
| <p>Conservation & Design (DBC) 29th November 2021</p> | <p>I have struggled with this application throughout - there is minimal information about materials ('to match...') and the annotation on the elevations relating to the walls is meaningless. (par..wal..exis...).The dormers have been reduced but are still large in relation to the roof area and utilise wood(?) cladding - painted, stained or in fact Upvc?</p> <p>I cannot find a site plan to show landscaping/treatment of trees, extent of amenity space etc.</p> <p>A competent submission would provide more information to assess the application by, particularly in relation to the site plan and materials. Even better would be a CGI with views of the overall appearance of the building from the front, side and rear, with a full rendering of its setting, in relation to the existing house on site, so as to be able to be sure of the quality of the appearance, materials and context and whether it sits comfortably in, and has minimal impact on the Green Belt.</p> <p>Introducing a single storey rear kitchen wing helps to break up the bulk and depth of the previous submission somewhat, but as I've mentioned previously, the building struggles to fulfil the Green Belt policy promoting good design.</p> |

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| Canal & River Trust | The trust has no comment to make on the proposal. |
| Kings Langley Parish Council 19 th August 2021 | <p>The Parish Council objects to applications 21/02964/FUL as follows:</p> <p>The proposed building does not meet the very special circumstances for Green Belt development because:</p> <ul style="list-style-type: none"> . it causes substantial harm to the openness of the Green Belt, without contributing to meeting an identified affordable housing or housing need within the area of the local planning authority; . the replacement building is materially larger and much more intrusive than the current buildings; and . the siting and height of the building will have a greater impact on the openness of the Green Belt than the existing development. <p>In addition, there are genuine material considerations including:</p> <ul style="list-style-type: none"> . parking, highway safety and traffic issues with two large domestic buildings sharing a single access; . the noise and air quality for the proposed building (similar comment has also been made by DBC environmental and community protection); . the layout and density of the building in order to fit the footprint of the original garages; . the design, location and appearance of this large, two-storey structure in a sensitive, open area. |
| Kings Langley Parish Council 29 th November 2021 | <p>The Parish Council maintains its previously submitted objection from its meeting of 17/8/21, as follows: The proposed building does not meet the very special circumstances for Green Belt development because: it causes substantial harm to the openness of the Green Belt, without contributing to meeting an identified affordable housing or housing need within the area of the local planning authority; the replacement building is materially larger and much more intrusive than the current buildings; and the siting and height of the building will have a greater impact on the openness of the Green Belt than the existing development. In addition, there are genuine material considerations including: parking, highway safety and traffic issues with two large domestic buildings sharing a single access; the noise and air quality for the proposed building (similar comment has also been made by DBC environmental and community protection); the layout and density of the building in order to fit the footprint of the original garages; the design, location and appearance of this large, two-storey structure in a sensitive, open area.</p> |
| Environmental And Community Protection (DBC) 9 th August 2021 | No objections in principle, but potential for an adverse impact due to noise from road (Hempstead Road) and railway. We would advise a condition to assess the noise potential and come up with a suitable scheme of mitigation. This could include reversing the 1st floor layout so bedrooms go on the rear of the development and en-suite bathrooms |

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| | <p>on the front elevation. Likely that railway noise will not be as noisy as road traffic due to separation distances.</p> <p>Suggested condition:</p> <p>Suggested Condition - internal noise</p> <p>No development shall take place until a ventilation strategy has been submitted for the approval of the LPA to protect likely future occupiers of new housing from exposure to road transportation & railway noise ingress.</p> <p>The ventilation strategy shall include an assessment of the likely impact on the residential occupation and shall also consider:</p> <ul style="list-style-type: none"> o How the ventilation strategy impacts on the acoustic conditions. Where the provision includes any Mechanical Ventilation and Heat Recovery (MVHR) systems, to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade o Service and maintenance obligations for the MVHR, where required o A strategy for mitigating overheating impacts on the acoustic condition including a detailed overheating assessment to inform this. o Likely noise generated off-site where mechanical ventilation is introduced to site and, its impact on existing neighbours and any measures to be made to eliminate noise. <p>The strategy shall be compiled by appropriately experienced and competent persons. The approved ventilation strategy shall be implemented prior to first occupation and which remains in perpetuity in respect of the residential use.</p> <p>Reason</p> <p>Policy CS32 - any development proposals which could cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or noxious substances, will not be permitted.</p> |
| <p>Environmental And Community Protection (DBC) 16th August 2021</p> | <p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> |

This is considered necessary because the application site is on land which has 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 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.

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| | <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>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>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> |
| British Pipeline Agency | <p>Thank you for your correspondence regarding the above noted planning application.</p> <p>Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.</p> <p>However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.</p> <p>Whilst we try to ensure the information we provided is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.</p> |

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| Thames Water | <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 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.</p> <p>Water Comments</p> <p>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.</p> |
| Hertfordshire Highways (HCC) | <p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</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</p> |

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 demolition of 4x existing garages and erection of 1x 4 bedroom shallow bungalow with 4 dormers on roof slope including parking space, bin and bike stores at 118 Hempstead Road, Kings Langley. Hempstead Road is a 40 mph principle A main distributor route that is highway maintainable at public expense.

Vehicle Access

The garages currently have a gated entrance and dropped kerb onto Hempstead Road. The existing access will be used for the new single dwelling. The existing access has no accident data associated with it in the past 5 years. The existing access is deemed suitable for the new single dwelling as the number of trips will only increase minimally from that of the existing amount and the access has no accidents associated with it in its current form. There will be two parking spaces included for the new dwelling. Parking is a matter for the Local Planning Authority

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| | <p>and as such any parking arrangements will have to be agreed with them. HCC Highways deems that vehicles can turn on site to enter and exit the highway network in forward gear which is required.</p> <p>Drainage Any proposed new driveways 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 be collected and disposed of on site.</p> <p>Sustainability The new dwelling includes 3 secure cycle parking spaces. It is located adjacent a footpath that leads North towards Hemel Hempstead. The dwelling will be located 360 metres from the nearest bus stop and 1.2 km from Apsley station. Both these location are within achievable walking and or cycling distance from the dwelling and therefore is in line with policies stipulated in HCC Local Transport Plan (adopted 2018).</p> <p>Refuse / Waste Collection Provision has been made for an on-site bin-refuse store within 30m of the 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 dwelling is 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 informatives.</p> |
| Trees & Woodlands | <p>Surrounding this site on three sides are mainly leyland cypress trees. On the roadside a mixture of cypress and ash trees appear to be on the highway verge. On the field side and the short return the cypress trees could be in different ownership, perhaps planted by the field owner as screen planting. The trees aren't within a Conservation area nor the subject of a TPO and I wouldn't be recommending the latter. The trees are slightly incongruous in this setting and have little arboricultural or nature conservation interest. They are dominant in terms of the proposal and still have plenty of growing to do - left as they are its unlikely that the new house/residents would have a happy relationship with the trees. Normally where this number of trees surround a</p> |

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| | <p>proposal, the applicant would provide some thoughts about what is going to happen to the trees, how they are to be protected during construction or are they to be felled, whose trees are they and do we need a landscape condition for a more appropriate hedge / screen planting scheme in the event of them being removed.</p> <p>Recommendation: Need more information</p> |
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|--------------------------------|---------------------|----------------|-------------------|----------------|
| 4 | 0 | 0 | 0 | 0 |

Neighbour Responses

| Address | Comments |
|----------------|-----------------|
| | |

Agenda Item 5d

ITEM NUMBER: 5d

| | | |
|------------------------|---|--------------------|
| 21/02349/FUL | Change of use of land to a dog day-care and walking service (Sui-Generis) | |
| Site Address: | Dog Day Care, Little Tring Farm, 5 Little Tring Road, Little Tring, Hertfordshire | |
| Applicant/Agent: | Jess Hart | |
| Case Officer: | Elspeth Palmer | |
| Parish/Ward: | Tring Town Council | Tring West & Rural |
| Referral to Committee: | Due to contrary view of Tring Town Council | |

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

- 2.1 The proposal involving the change of use of the land for an outdoor dog day care facility and associated hard stand area would not constitute outdoor sport or outdoor recreation. It is akin to a commercial facility and therefore would not benefit from any of the exceptions to inappropriate development as set out within paragraphs 149 and 150 of the Framework. As such the proposal would constitute inappropriate development in the Green Belt.
- 2.2 An assessment under paragraph 148 notes no other harm arising from the proposal.
- 2.3 National policy acknowledges that there are land-based businesses that will need to be located out-of-town and the proposed dog day care operation is considered to be one of these uses. By its nature the proposal must be located on a rural site. It requires open fields of a certain size (dictated by regulations) for dogs to exercise, and by virtue of the noise generated, needs to be located away from sensitive receptors.
- 2.4 Businesses such as this are required to be within close proximity of large towns which form the client catchment area. Despite the change of use sought, there would be very limited impact on the openness of the Green Belt. The above factors, in particular the need for the facility to be located on a rural site is considered to form significant very special circumstances. Other information which has been provided contributes towards the overall package of very special circumstances and these together with the benefits to the rural economy and diversification of the site would clearly outweigh the limited harm to the openness of the Green Belt which would result from the proposal's inappropriateness.
- 2.5 As such, no objection is raised with respect to Green Belt considerations under paragraph 148 of the Framework and Policy CS5 of the Core Strategy.
- 2.6 The proposed scheme will comply with the NPPF (2021), CS5, CS12 and CS32.

3. SITE DESCRIPTION

- 3.1 The site is located on the south-western side of Little Tring Road, Little Tring and is approx. 1.8 hectares in size. It comprises a large irregular field.
- 3.2 The character of the site is open and agricultural in nature, with a mix of species hedgerow around 3 boundaries of the site of varying height (average of 2.5 meters) which offers an element of concealment to the view from vehicle users and pedestrians. In addition to the hedgerow around all boundaries, there are two fences, stock fence located and concealed

within the established hedgerow and an additional 50 mm mesh fencing with 1.2m posts spaced 3 metres apart around its entire perimeter.

- 3.3 The site currently contains a chattel which is used for shelter. The chattel is not subject to this application but will be considered after this application under 21/03917/RET.
- 3.4 The nearest dwellings “Rustlings”, “Red Roofs” and “Worth House” are located immediately opposite the site over Little Tring Road and towards the south-eastern edge of the site. The three dwellings are located in a cluster set back from the road. These houses are screened by hedging in front of their own gardens in addition to the hedging screening the site itself.
- 3.5 The existing access to the site is further north along Little Tring Road and approx. 90 metres away from the nearest dwelling. The access is currently gravel with a 5 metre wide metal gate. There is a gravel area within the site and another gate which leads to a gravel parking area. This is where the cars park to unload the dogs and is within a fenced area.
- 3.6 The site is located with the Green Belt on the outskirts of Tring and a public footpath (Tring Town 051) runs along the sites southerly and westerly boundaries. The site is not adjacent to the Chilterns Area of Outstanding Natural Beauty as the boundary is some distance to the north in line with the Wendover Arm of the Grand Union Canal.
- 3.7 The site is located within agricultural land classification 3 – Good to Moderate.

4. PROPOSAL

- 4.1 The application proposes the change of use from agricultural land to Sui Generis for the purposes of facilitating an outdoor dog day-care and walking facility for up to 24 dogs.
- 4.2 It is proposed that the site will be divided by fencing into 4 separate areas which include:
 - Parking and manoeuvring;
 - Parking and unloading – airlock area etc;
 - Separate puppy area; and
 - The rest of the site for general use for dog day care.
- 4.3 The proposal also involves the construction of two grass-crete areas. One immediately within the existing gates approx. 23.5 metres by 7 metres to allow for manoeuvring and parking of the company vehicles which bring the dogs to the site (this area will allow vehicles to exit the site in a forward gear) and one to the south behind the fence 11 metres by 9 metres to allow for the unloading and loading of the dogs in an enclosed area. The maximum number of vehicles visiting the site per day would be two.
- 4.4 There is no requirement for kennels or exterior lighting and no dogs will be kept on site overnight. A portaloo has been placed within the airlock area. There is no intention to connect to water and sewerage (water is brought onto the site for the dogs).
- 4.5 Staff numbers are proportionate to the amount of dogs, DEFRA setting the standards to 1:10. Harts and Hounds voluntarily operate on the higher standard of 1:8, therefore will employ 3 members of staff.
- 4.6 It is proposed that the dog day care and walking service will take place between the hours of 0930hrs to 1600hrs predominantly Monday to Friday, with very occasional use at a weekend, but within the reduced ours of 1000hrs to 1400hrs.

- 4.7 Harts & Hounds' business model is such that the staff collect and return the dogs from/to the client's homes, no additional parking is required for staff as the staff are also collected en route. No clients are able to drop off or collect their dog from the site either, minimising the traffic movements.
- 4.8 Customers are located within Tring, Wiggington and Aston Clinton. Approximate breakdowns of customer spread in geographical terms are 50-60% Tring, 20-30% Wiggington and 20-30% Aston Clinton.
- 4.9 The application is partly retrospective as the use is already in operation but with a reduced number of dogs.

Background

- 4.10 In the Planning Statement submitted with the application the applicant states:

"Informal pre application planning discussions have taken place with the council back in November 2019, prior to Harts & Hounds using the proposed site for exercising dogs. It was confirmed that the use for day-care and walking of around 11 dogs did not represent a material change and would not require a change of use, therefore the site has been used in this lawful manner since December 2019. However, it was advised that the proposed numbers would represent a material change of use of the land, hence the submission herein."

- 4.11 There is no formal record of pre application advice being given but this explains why there is an existing small-scale use on the site.

5. PLANNING HISTORY

Planning Applications (If Any):

4/02086/17/APA - Change of use from agricultural to class b1/b8 (business/storage/distribution)
Prior Approval Not Required - 29th September 2017

21/03917/RET - Retention of Chattel (Timber Clad Structure)
Not yet determined – this is a linked application to the current one.

Appeals (If Any):

6. CONSTRAINTS

Canal Buffer Zone: Major

CIL Zone: CIL2

Former Land Use (Risk Zone):

Pressure: MP

Green Belt: Policy: CS5

Parish: Tring CP

RAF Halton and Chenies Zone: Green (15.2m)

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

Parking Standards: New 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:

Section 85(1) of the Countryside and Rights of Way Act 2000
National Planning Policy Framework (2021)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)
Saved Policy 108 of the DBLP

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 – The Chilterns Area of Outstanding Natural Beauty
CS29 - Sustainable Design and Construction
CS32 – Air, Soil and Water Quality

Supplementary Planning Guidance/Documents:

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:

- policy and principle justification for the proposal;
- impact on the openness;
- impact on character of the area;
- impact on neighbours; and
- impact on Highway safety and parking provision.

Principle of Development

9.2 The application site is located within the Green Belt where the provisions of Policy CS5 of the Core Strategy and Section 13 of the Framework apply.

- 9.3 Specifically, Policy CS5 of the Core Strategy permits small-scale development including building for the uses defined as appropriate in national policy, 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.
- 9.4 Paragraph 149 of the Framework sets out a closed list of developments which are exceptions to inappropriate development in the Green Belt, which includes the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.5 Further, paragraph 150 of the Framework permits material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
- 9.6 Also of relevance is paragraph 85 of the Framework which states planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. Further, paragraph 84 of the Framework seeks to enable the development and diversification of agricultural and other land-based rural businesses.
- 9.7 Policy CS15 of the Core Strategy encourages provision for small businesses which the proposal would contribute towards.

Whether inappropriate development

- 9.8 The proposal involving the change of use of the land for an outdoor dog day care facility and associated hard stand area would not constitute outdoor sport or outdoor recreation. It is akin to a commercial facility and therefore would not benefit from any of the exceptions to inappropriate development as set out within paragraphs 149 and 150 of the Framework. As such the proposal would constitute inappropriate development in the Green Belt.
- 9.9.1 This approach was taken for similar applications including:
 - 4/02491/18/MFA (at land at Upper Bourne End Lane, Hemel Hempstead, considered under then paragraphs 145 and 146 of the 2018 Framework); and
 - 4/01997/13/FUL (Plot 4, Cupid Green Lane, Hemel Hempstead).

Impact on Openness and Green Belt purposes

- 9.10 In assessing the impact on openness the National Planning Practice Guidance advice for the Green Belt (2019) is noted, where a number of matters may need to be taken into account in making such an assessment, including (but not limited to):
- Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
 - The duration of the development, and its ability to be remediated – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
 - The degree of activity likely to be generated, such as traffic generation.
- 9.11 The proposal would have a limited impact on openness noting the small scale of the proposed hard stand area and the opportunities to restore the land upon which it is sited to its former condition. It is noted that associated with the proposed change of use there is an

existing dog shelter and portaloo on the land, the first element of which is subject to a separate planning application. Whilst the proposal would see the introduction of built development, its spatial impact is limited due to the small scale of the shelter. From a visual perspective, due to its location on the far side of the site in relation to Little Tring Road, the existence of screening through existing hedges, and the opportunities to restore the land upon which it is sited to its former condition, the impact on openness is negligible. The location of the chattel in its current position has been chosen to ensure that any noise impacts are reduced, though this does also serve to reduce the visual impact of the building as it has been placed further away from the road and is therefore less visible.

- 9.12 There will be a total of 3 members of staff.
- 9.13 Advised hours of operation would be between 9:30 and 16:00 Monday to Friday and 10:00 till 14:00 weekends and bank holidays which would not encroach into sensitive evening hours.
- 9.14 Such activity would not differ significantly from the existing lawful agricultural use on the site.
- 9.15 A condition controlling hours of operation, the extent and number of vehicle parking, and the amount and location of ancillary equipment would be included on any planning permission.
- 9.16 Turning to the purposes of the Green Belt, these are included at paragraph 138 of the Framework. It is considered that the proposal would not conflict with the purposes of the Green Belt.
- 9.17 Considering all of the above and despite the limited impact on openness, paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework continues by stating that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.18 In accordance with paragraph 148, this report shall now consider any other harm resulting from the proposal.

Impact on character of the area

- 9.20 The proposed change of use and hard stand area will only be visible from the existing vehicular access to the site. The site is heavily screened by mature hedgerow both from Little Tring Road and the footpath to the south and west of the site.
- 9.21 The site is not adjacent to the Chilterns Area of Outstanding Natural Beauty as the boundary is at least 200 metres to the north in line with the Wendover Arm of the Grand Union Canal.
- 9.22 Based on the minimal change to the lawful use of the site and the heavy screening it is considered that it will not have a detrimental impact on the character of the area.

Impact on Neighbours

- 9.23 The proposal is small scale and does not involve the construction of any buildings so there will be no potential for overlooking or loss of sunlight and daylight for the nearest neighbours.
- 9.24 The only aspect of the proposed scheme that could potentially impact on neighbours is the noise created by the dogs barking. The field is large however and the nearest 3 dwellings

are located across Little Tring Road and are set back from the frontage. Also, there is thick hedge screening along the boundary of the site and also around the frontage of the two dwellings facing the site.

9.25 The dogs are unloaded from the vehicles at a point approx. 90 metres from the nearest dwelling just inside the existing access.

9.26 There have been no objections to the proposal from the immediate neighbours.

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

Impact on Highway Safety and Parking

9.28 The hard stand area proposed is to accommodate two staff vehicles only. Dog owners do not need to visit the site as their dogs are collected by the company and brought to the site for whatever period of time is agreed.

9.29 There is no change to the existing access. The Highways Authority have no objections to the proposed scheme.

Other Material Planning Considerations

9.30 Impact on Trees and Landscaping

No significant trees will be affected by the proposal.

9.31 Air, Soil and Water Quality

Environmental Health have no objections to the proposal on the grounds of land contamination or air and water quality.

9.32 Public Footpath

A public footpath (Tring Town 051) runs along the sites southerly and westerly boundaries. Rights of Way were consulted but no response was received. The part of the site adjacent to the footpath is heavily screened by vegetation to the extent that the site is not visible.

9.33 Impacts on the Canal

As the site is within the Canal Buffer Zone the Canal and Rivers Trust were consulted. The CRT stated that the application site falls outside the notified area for its application scale.

9.34 Impact on Agricultural Land

Saved Policy 108 seeks to avoid the permanent loss of the most versatile agricultural land.

Whilst it is acknowledged that the proposals will require the use of agricultural land, no physical development (other than the small hard stand area and some fence installation) is proposed. The proposed use would not significantly alter the chemical characteristics of the land and it is considered that the proposed development is 'reversible' and could return to agricultural use with minimal alterations to the site. It is therefore considered that no permanent loss of agricultural land will result from the proposals and as such, no conflict with Saved Policy 108 of the DBLP would arise.

Green Belt conclusion

- 9.35 As stated above the proposal would constitute inappropriate development in the Green Belt as it would not fall within any of the listed exceptions under paragraphs 149 and 150 of the Framework. The assessment under paragraph 148 notes no other harm arising from the proposal as set out in the remaining earlier sections of this report.
- 9.36 National policy acknowledges that there are land-based businesses that will need to be located out-of-town and the proposed dog day care operation is considered to be one of these uses. By its nature the proposal must be located on a rural site. It requires open fields of a certain size (dictated by regulations) for dogs to exercise, and by virtue of the noise generated, needs to be located away from sensitive receptors.
- 9.37 Despite the change of use sought, there would be very limited impact on the openness of the Green Belt.
- 9.38 The business is also required to be within close proximity of large towns which form the client catchment area. In this case customers are located within Tring, Wiggington and Aston Clinton. Approximate breakdowns of customer spread in geographical terms are 50-60% Tring, 20-30% Wiggington and 20-30% Aston Clinton.
- 9.39 The site subject to this application is centrally located around the customer base geographical spread, thereby reducing the need for increased travel time and distance. The location is considered sustainable to the requirement for the service provided.
- 9.40 The site is within agricultural land classification 3 – Good to Moderate. In addition to this good to moderate agricultural land classification, the site is constrained in its size and enclosed by mature hedging and trees. This makes the land difficult to utilise for agricultural purposes.
- 9.41 The above factors, in particular the need for the facility to be located on a rural site is considered to form significant very special circumstances. As noted above, similar arguments have been accepted on other applications, which have been approved in the Borough. These factors, together with the benefits to the rural economy and diversification of the site, contribute towards the overall package of very special circumstances and these would clearly outweigh the limited harm to the openness of the Green Belt which would result from the proposal's inappropriateness.
- 9.42 As such, no objection is raised with respect to Green Belt considerations under paragraph 148 of the Framework and Policy CS5 of the Core Strategy.

Response to Neighbour Comments

- 9.43 These points have been addressed above.

Town Council Comments

- 9.44 Concerns over the following:
- Access/highways issues and pedestrians;
 - Overdevelopment;
 - Noise implications; and
 - Inappropriate use of the countryside adjacent to the CAONB.
- 9.45 These issues are addressed in the report above.

Community Infrastructure Levy (CIL)

9.46 The development is not CIL liable.

10. CONCLUSION

- 10.1 The proposal would constitute inappropriate development in the Green Belt as it would not fall within any of the listed exceptions under paragraphs 149 and 150 of the Framework. The assessment under paragraph 148 notes no other harm arising from the proposal as set out in the remaining earlier sections of this report.
- 10.2 The above factors, in particular the need for the facility to be located on a rural site is considered to form significant very special circumstances. Other information which has been provided contribute towards the overall package of very special circumstances and these together with the benefits to the rural economy and diversification of the site would clearly outweigh the limited harm to the openness of the Green Belt which would result from the proposal's inappropriateness. As such, no objection is raised with respect to Green Belt considerations under paragraph 148 of the Framework and Policy CS5 of the Core Strategy.
- 10.3 The impacts of the proposal have been taken into consideration, along with representations received from consultees. The proposal is considered acceptable in terms of policy and principle justification, impact on the openness, impact on neighbours; and impact on Highway safety and parking provision.
- 10.4 The proposed scheme will comply with the NPPF (2021), CS5, CS12 and CS32.

11. RECOMMENDATION

- 11.1 That planning permission be granted, subject to the following conditions.

Condition(s) and Reason(s):

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

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

2. **No operations or activities (including parking) associated with the approved use shall take place outside of the hours of 09.30 hrs and 1600 hrs Monday to Friday, 1000hrs to 1400hrs Saturday and Sunday (excluding Bank Holidays where no use is permitted). The hours of operation detailed within this condition shall be termed the 'core operating hours' for the purpose of other conditions attached to this permission.**

Reason: To ensure that the activities associated with the approved use are consistent with those which have been assessed under this planning application in the interests of the amenities of the occupants of neighbouring dwelling in accordance with Policy CS12 of the Core Strategy.

3. **The maximum number of dogs to use the site at any one time is 24.**

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

4. **There shall be no converted, moveable or static caravans or shipping containers on the site at any time.**

Reason: To safeguard the open character of the Green Belt, the character and appearance of the countryside, and residential amenity in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013).

5. **No exterior lighting shall be installed on the site.**

Reason: To safeguard the open character of the Green Belt, the character and appearance of the countryside, and residential amenity in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013).

6. **No internal fencing, other than that shown on approved Drawing 'Amended Block Plan – 2.9.21', shall be erected. All internal fencing shall be removed once the dog day care use of the site ceases.**

Reason: To safeguard the open character of the Green Belt in accordance with Policy CS5 of the Dacorum Core Strategy (2013).

7. **No parking of vehicles or trailers shall take place on the site (excluding those directly associated with site maintenance) other than on the car parking area illustrated on approved Amended Block Plan (02.09.21). There shall be no more than two vehicles parked in the car parking area at any one point in time, and no vehicles shall be left on the site outside of core operating hours.**

Reason: To safeguard the open character of the Green Belt in accordance with Policy CS5 of the Dacorum Core Strategy (2013).

8. **There shall be no customer/client pick up or drop off of dogs to/from the site.**

Reason: To ensure no increase of trip numbers to and from the site in the interest of the safety and environmental character of Little Tring Road in accordance with Policy CS9 of the Dacorum Core Strategy (2013).

9. **Unless within two months of the date of this decision a 'Dog Day Care Ancillary Structures Management Plan' is submitted in writing to the local planning authority for approval, and unless the approved Management Plan is implemented within two months of the local planning authority's approval, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.**

The 'Dog Day Care Ancillary Structures Management Plan' shall include full details of all play equipment, agility equipment, and other ancillary structures (including temporary structures), where these items will be located during core operating hours, and where these items will be stored outside of core operating hours.

If no Management Plan in accordance with this condition is approved within 18 months of the date of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved Management Plan specified in this condition, the Management Plan shall thereafter be maintained. No other equipment or ancillary

items shall be brought onto or stored within the site other than that described in the Management Plan.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: To safeguard the open character of the Green Belt in accordance with Policy CS5 of the Dacorum Core Strategy (2013).

10. **Unless within two months of the date of this decision full details of the materials to be used in the proposed hardstanding and car parking areas, as well as details of their permeability, is submitted in writing to the local planning authority for approval, and unless the approved details are implemented within two months of the local planning authority's approval, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as the details are approved and implemented.**

If no details in accordance with this condition are approved within 18 months of the date of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as the details approved by the local planning authority are implemented.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: To safeguard the open character of the Green Belt in accordance with Policy CS5 of the Dacorum Core Strategy (2013).

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

Site Location Plan dated 7.6.21

Amended Block Plan showing reduced hard surfacing indexed on 2.9.21

Site Aerial Plan

Addendum to Planning Statement dated 2.9.21

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

Informatives:

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

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
|---|--|
| Tring Town Council | The Council recommend REFUSAL on the following grounds: concern with access/highways issues and pedestrians; overdevelopment and noise implications; health and safety concerns; inconsistencies in the planning application; inappropriate use of the countryside adjacent to the AONB. |
| Tring Rural Parish Council | Tring Rural Parish Council supports the application on the bases that it supports the local economy. |
| Hertfordshire Highways (HCC) REVISED COMMENTS | <p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>The proposal is amended plans for the change of use of land to a dog day-care and walking service (Sui-Generis) at Little Tring Farm, Little Tring Road, Little Tring, Tring. The site is located adjacent Little Tring Road, a 40 mph unclassified local access route that is highway maintainable at public expense. The amended plans include the reduction of the hardstanding and additional notes in relation to email comments made by the case officer.</p> <p>The smaller hardstanding is deemed appropriate and all other highway matters were assessed in the original response. As such I would like to reiterate our previous response below:</p> <p>The existing site is an open field that has been in use for dog day care of 11 dogs since 2019. The new proposal is for 24 dogs to use the site. The site has an existing access which it currently uses for access. The proposal is to hardstand the site access to accommodate parking and turning for 2 work vehicles which will transport the dogs and the employees from their houses to the site. The hardstanding is welcomed as the current access is just mud which causes issues as it is an offence under the highways act 1980 to carry mud onto the highway network. The hardstanding would alleviate this. The applicant has stated that owing to the business model, no customers will turn up to the site and only two vehicles will be used. HCC Highways must insist that this maintained as the site is not suitable for an increase of trips.</p> <p>HCC Highways would not wish to restrict a grant of permission for the site.</p> |
| Hertfordshire Highways (HCC) ORIGINAL COMMENTS | <p>Proposal</p> <p>Change of use of land to a dog day-care and walking service (Sui-Generis)</p> |

| | |
|---------------------|---|
| | <p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>The proposal is for the change of use of land to a dog day-care and walking service (Sui-Generis) at Little Tring Farm, Little Tring Road, Little Tring, Tring. The site is located adjacent Little Tring Road, a 40 mph unclassified local access route that is highway maintainable at public expense.</p> <p>The existing site is an open field that has been in use for dog day care of 11 dogs since 2019. The new proposal is for 24 dogs to use the site. The site has an existing access which it currently uses for access. The proposal is to hardstand the site access to accommodate parking and turning for 2 work vehicles which will transport the dogs and the employees from their houses to the site. The hardstanding is welcomed as the current access is just mud which causes issues as it is an offence under the highways act 1980 to carry mud onto the highway network. The hardstanding would alleviate this. The applicant has stated that owing to the business model, no customers will turn up to the site and only two vehicles will be used. HCC Highways must insist that this maintained as the site is not suitable for an increase of trips.</p> <p>HCC Highways would not wish to restrict a grant of permission for the site.</p> <p>No conditions required: I don't think so, as the hardstanding seems to be on private land and the highway network is surfaced to the boundary so no work should happen on the highway. Therefore, all other matters are not within our remit so I don't think any conditions are required in terms of highways.</p> |
| Canal & River Trust | <p>The Canal & River Trust is a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in 2011 under the organisations former name, British Waterways. The 2011 issue introduced a notified area for household and minor scale development and a notified area for EIA and major scale development.</p> <p>This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.</p> |

| | |
|--|--|
| | <p>We are happy to comment on particular applications that fall outside the notified areas if you would like the Canal & River Trust's comments in specific cases, but this would be outside the statutory consultation regime and must be made clear to us in any notification letter you send.</p> <p>Should you have a query in relation to consultation or notification of the Canal & River Trust on planning applications, please email us at planning@canalrivertrust.org.uk</p> |
| Environmental And Community Protection (DBC) | <p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>No objections or concerns.</p> |

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 3 | 1 | 0 | 1 | 0 |

Neighbour Responses

| Address | Comments |
|--|---|
| 5 Manor Road Tring Hertfordshire HP23 5DA | <p>While there might be a need for keeping more dogs, I can only see that this will lead to a greater need for sheds and other indoor space/cover for the animals, for their feeding, and to having more general "play things" scattered around the fields. This is totally inappropriate for this site which provides the rural edge to Tring. This development amounts to an extension of urbanisation.</p> <p>While the absolute amount of traffic to the site might be relatively low, the increase in dog numbers will inevitably require more visits which may mean more vehicles at any one-time needing access leading to requirements to increase hard landscaping there.</p> <p>With the increase in dog numbers in land next to the public footpath which runs by it there will be an increase in nuisance from them as you walk by.</p> |

Agenda Item 5e

ITEM NUMBER: 5e

| | | |
|-------------------------------|--|-------------------------------|
| 21/03917/RET | Retention of Chattel (Timber Clad Structure) | |
| Site Address: | Dog Day Care, Little Tring Farm, 5 Little Tring Road, Little Tring, Hertfordshire | |
| Applicant/Agent: | Jess & Matt King | |
| Case Officer: | Elsbeth Palmer | |
| Parish/Ward: | Tring Town Council | Tring West & Rural |
| Referral to Committee: | Due to contrary view of Tring Town Council | |

1. RECOMMENDATION

That planning permission be delegated with a view to approval subject to the expiration of the consultation period.

2. SUMMARY

- 2.1 The proposal involving the retention of a Chattel (Timber Clad Structure) will support the change of use of the land for an outdoor dog day care facility and associated hard stand area dealt with under a further application 21/02349/FUL.
- 2.2 Even though the change of use and the Chattel have been assessed under separate applications the two are connected by the fact that the continued successful operation of the Dog Day Care use is heavily reliant on their ability to provide shelter for the dogs they have in their care.
- 2.3 The dog day care use (and the Chattel) is akin to a commercial facility and therefore would not benefit from any of the exceptions to inappropriate development as set out within paragraphs 149 and 150 of the Framework. As such the proposal would constitute inappropriate development in the Green Belt.
- 2.4 An assessment under paragraph 148 notes no other harm arising from the proposal.
- 2.5 National policy acknowledges that there are land-based businesses that will need to be located out-of-town and the proposed dog day care operation is considered to be one of these uses. By its nature the proposal must be located on a rural site. It requires open fields of a certain size (dictated by regulations) for dogs to exercise, and by virtue of the noise generated, needs to be located away from sensitive receptors. An essential component of this use is a structure to provide shelter for the dogs during the day.
- 2.6 Businesses such as this are required to be within close proximity of large towns which form the client catchment area. Despite the change of use sought, there would be very limited impact on the openness of the Green Belt. The above factors, in particular the need for the facility to be located on a rural site is considered to form significant very special circumstances. Other information which has been provided contributes towards the overall package of very special circumstances and these together with the benefits to the rural economy and diversification of the site would clearly outweigh the limited harm to the openness of the Green Belt which would result from the proposal's inappropriateness.
- 2.7 As such, no objection is raised with respect to Green Belt considerations under paragraph 148 of the Framework and Policy CS5 of the Core Strategy.
- 2.8 The proposed scheme will comply with the NPPF (2021), CS5, CS12 and CS32.

3. SITE DESCRIPTION

- 3.1 The site is located on the south-western side of Little Tring Road, Little Tring and is approx. 1.8 hectares in size. It comprises a large irregular field.
- 3.2 The character of the site is open and agricultural in nature, with a mix of species hedgerow around 3 boundaries of the site of varying height (average of 2.5 meters) which offers an element of concealment to the view from vehicle users and pedestrians. In addition to the hedgerow around all boundaries, there are two fences, stock fence located and concealed within the established hedgerow and an additional 50 mm mesh fencing with 1.2m posts spaced 3 metres apart around its entire perimeter.
- 3.3 The site currently contains a Chattel which is used for shelter. The chattel is the subject of this application.
- 3.4 The nearest dwellings “Rustlings”, “Red Roofs” and “Worth House” are located immediately opposite the site over Little Tring Road and towards the south-eastern edge of the site. The three dwellings are located in a cluster set back from the road. These houses are screened by hedging in front of their own gardens in addition to the hedging screening the site itself.
- 3.5 The existing access to the site is further north along Little Tring Road and approx. 90 metres away from the nearest dwelling. The access is currently gravel with a 5 metre wide metal gate. There is a gravel area within the site and another gate which leads to a gravel parking area. This is where the cars park to unload the dogs and is within a fenced area.
- 3.6 The site is located with the Green Belt on the outskirts of Tring and a public footpath (Tring Town 051) runs along the sites southerly and westerly boundaries. The site is not adjacent to the Chilterns Area of Outstanding Natural Beauty as the boundary is some distance to the north in line with the Wendover Arm of the Grand Union Canal.
- 3.7 The site is located within agricultural land classification 3 – Good to Moderate.

4. PROPOSAL

- 4.1 The retention of the existing Chattel – Timber Clad Structure – with the following dimensions:
- length of approx. 9.5 metres;
 - width of approx. 5.2 metres;
 - height to eaves of approx. 2.1 metres; and
 - height to ridge of approx. 3.2 metres.
- 4.2 The chattel is used as a shelter for the dogs throughout the day. There are dogs of all ages at daycare and all need rest throughout the day, puppies and senior dogs more so but all dogs need rest and shelter in inclement weather. The chattel is invaluable to the Dog Day Care use and it’s the reason many of their clients choose to use this facility as they have this indoor space.
- 4.3 The shelter is a condition of the daycare license. The license states that there must be the required indoor space for rest times. The applicant has confirmed that the existing chattel is large enough to accommodate the proposed use of the land for dog day care (up to 24 dogs).
- 4.4 There are no facilities within the chattel, no connection to electricity, waste drainage or water. The chattel is clad in wood, with a felt clad, shallow pitched, gable ended roof. The building hosts high level windows on the two side elevations (facing north and south) and stable-type doors on the front (facing west).

5. PLANNING HISTORY

Planning Applications (If Any):

21/02349/FUL - Change of use of land to a dog day-care and walking service (Sui-Generis)
Not yet determined – this is a linked application to the current one.

6. CONSTRAINTS

CIL Zone: CIL2

Pressure: MP

Green Belt: Policy: CS5

Parish: Tring CP

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

RAF Halton and Chenies Zone: Green (15.2m)

Parking Standards: New 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:

Section 85(1) of the Countryside and Rights of Way Act 2000

National Planning Policy Framework (2021)

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

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

Saved Policy 108 of the DBLP

Relevant Policies:

NP1 - Supporting Development

CS1 - Distribution of Development

CS5 – Green Belt

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS24 – The Chilterns Area of Outstanding Natural Beauty

CS29 - Sustainable Design and Construction

CS32 – Air, Soil and Water Quality

Supplementary Planning Guidance/Documents:

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:

- policy and principle justification for the proposal;
- impact on the openness;
- impact on character of the area;
- impact on neighbours; and
- impact on Highway safety and parking provision.

Principle of Development

9.2 The application site is located within the Green Belt where the provisions of Policy CS5 of the Core Strategy and Section 13 of the Framework apply.

9.3 Specifically, Policy CS5 of the Core Strategy permits small-scale development including building for the uses defined as appropriate in national policy, 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.

9.4 Paragraph 149 of the Framework sets out a closed list of developments which are exceptions to inappropriate development in the Green Belt, which includes the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

9.5 Further, paragraph 150 of the Framework permits material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

9.6 Also of relevance is paragraph 85 of the Framework which states planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. Further, paragraph 84 of the Framework seeks to enable the development and diversification of agricultural and other land-based rural businesses.

9.7 Policy CS15 of the Core Strategy encourages provision for small businesses which the proposal would contribute towards.

Whether inappropriate development

9.8 The proposal involving the retention of the Chattel is to support a commercial facility and therefore would not benefit from any of the exceptions to inappropriate development as set out within paragraphs 149 and 150 of the Framework. As such the proposal would constitute inappropriate development in the Green Belt.

9.9 This approach was taken for similar applications including:

- 4/02491/18/MFA (at land at Upper Bourne End Lane, Hemel Hempstead, considered under then paragraphs 145 and 146 of the 2018 Framework); and
- 4/01997/13/FUL (Plot 4, Cupid Green Lane, Hemel Hempstead).

Impact on Openness and Green Belt purposes

- 9.10 In assessing the impact on openness the National Planning Practice Guidance advice for the Green Belt (2019) is noted, where a number of matters may need to be taken into account in making such an assessment, including (but not limited to):
- Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
 - The duration of the development, and its ability to be remediated – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
 - The degree of activity likely to be generated, such as traffic generation.
- 9.11 The proposal would see the introduction of built development; however, its spatial impact is limited due to the small scale of the Chattel. From a visual perspective, due to its location on the far side of the site in relation to Little Tring Road, the existence of screening through existing hedges, and the opportunities to restore the land upon which it is sited to its former condition, the impact on openness is negligible. The location of the chattel in its current position has been chosen to ensure that any noise impacts are reduced, though this does also serve to reduce the visual impact of the building as it has been placed further away from the road and is therefore less visible.
- 9.12 Turning to the purposes of the Green Belt, these are included at paragraph 138 of the Framework. It is considered that the proposal would not conflict with the purposes of the Green Belt.
- 9.13 Considering all of the above and despite the limited impact on openness, paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework continues by stating that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.14 In accordance with paragraph 148, this report shall now consider any other harm resulting from the proposal.

Quality of Design / Impact on Visual Amenity

- 9.15 The Chattel will only be visible from the existing vehicular access to the site and will be set over 100m away and at an oblique angle from this access. The site is heavily screened by mature hedgerow both from Little Tring Road and the footpath to the south and west of the site.
- 9.16 The Chattel is small-scale and similar methods of storage/buildings form part of agricultural holdings and other rural operations.
- 9.17 The site is not adjacent to the Chilterns Area of Outstanding Natural Beauty as the boundary is at least 200 metres to the north in line with the Wendover Arm of the Grand Union Canal.
- 9.18 Based on the minimal change to the lawful use of the site and the heavy screening it is considered that it will not have a detrimental impact on the character of the area.

Impact on Residential Amenity

- 9.19 The proposal is small scale with high level windows. The Chattel is located towards the rear of the site so is located more than 100 metres from the nearest dwellings Rustlings, Worth House and Red Roofs to the east. As a result there will be no potential for overlooking or loss of sunlight and daylight for the nearest neighbours.

Impact on Highway Safety and Parking

- 9.20 There are no changes proposed to the existing access or parking arrangements under this application.

Other Material Planning Considerations

9.21 Impact on Trees and Landscaping

No significant trees will be affected by the proposal.

9.22 Impact on Agricultural Land

Saved Policy 108 seeks to avoid the permanent loss of the most versatile agricultural land.

Whilst it is acknowledged that the proposals will require the use of agricultural land, no physical development (other than the small scale Chattel) is proposed. The proposed use would not significantly alter the chemical characteristics of the land and it is considered that the proposed development is 'reversible' and could return to agricultural use with minimal alterations to the site. It is therefore considered that no permanent loss of agricultural land will result from the proposals and as such, no conflict with Saved Policy 108 of the DBLP would arise.

Green Belt conclusion

- 9.23 As stated above the proposal would constitute inappropriate development in the Green Belt as it would not fall within any of the listed exceptions under paragraphs 149 and 150 of the Framework. The assessment under paragraph 148 notes no other harm arising from the proposal as set out in the remaining earlier sections of this report.
- 9.24 National policy acknowledges that there are land-based businesses that will need to be located out-of-town and the proposed dog day care operation is considered to be one of these uses. By its nature the proposal must be located on a rural site. It requires open fields of a certain size (dictated by regulations) for dogs to exercise, and by virtue of the noise generated, needs to be located away from sensitive receptors. The Chattel is an essential part of the business.
- 9.25 Due to the siting and scale of the Chattel there would be very limited impact on the openness of the Green Belt.
- 9.26 As such, no objection is raised with respect to Green Belt considerations under paragraph 148 of the Framework and Policy CS5 of the Core Strategy.

Response to Neighbour Comments

- 9.27 24 comments were received supporting the application. The comments included the following points:
- The building is essential. It is unreasonable to expect the dogs to be out in all weathers for an extended (6 hour) period with no shelter or a place to rest.

- It is vital for the welfare of the dogs on a daily basis. Without this structure the dogs that attend will be placed at increased risk of overheating in the summer months and will equally have no respite from the chill in the winter.
- The shed is a freestanding, non obtrusive structure that is purely used for the protection and safety of the animals.
- The building under discussion as an essential and core component of this business.
- It's going to make it untenable for the business to continue without the shelter for both the animals and the employees.
- The business is required as part of its license to provide rest breaks for the animals and shelter during cold and inclement weather. Without this chattel it would not be possible to provide this.

9.28 Tring Town Council's comments

“Tring Town Council finds it difficult to make a recommendation until the change of use has been decided so the Council recommend REFUSAL of this application until after the change of use has been decided.”

Community Infrastructure Levy (CIL)

9.29 The development is not CIL liable.

10. CONCLUSION

- 10.1 The proposal would constitute inappropriate development in the Green Belt as it would not fall within any of the listed exceptions under paragraphs 149 and 150 of the Framework. The assessment under paragraph 148 notes no other harm arising from the proposal as set out in the remaining earlier sections of this report.
- 10.2 The above factors, in particular the need for the facility to be located on a rural site is considered to form significant very special circumstances. The need for some kind of shelter for the dogs during the day has also been made clear. Cumulatively, together with the benefits to the rural economy and diversification of the site, these are considered to constitute the very special circumstances required to clearly outweigh the limited harm to the openness of the Green Belt which would result from the proposal's inappropriateness. As such, no objection is raised with respect to Green Belt considerations under paragraph 148 of the Framework and Policy CS5 of the Core Strategy.
- 10.3 The proposal is considered acceptable in terms of policy and principle justification, impact on the openness, impact on neighbours; and impact on Highway safety and parking provision.
- 10.4 The proposed scheme will comply with the NPPF (2021), CS5, CS12 and CS24.

11. RECOMMENDATION

- 11.1 That planning permission be delegated with a view to approval subject to the following conditions.

Condition(s) and Reason(s):

1. **The development hereby permitted shall not be retained other than in accordance with the following approved plans/documents:**

**Site Location Plan
Proposed Plan and Elevations PE01
Block Plan**

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

2. **The Chattel shall only be used for the purpose of dog day care and shall be permanently removed from the site once the dog day care use of the site ceases.**

Reason: To safeguard the open character of the Green Belt in accordance with Policy CS5 of the Dacorum Core Strategy (2013).

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.

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
|---------------------|--|
| Parish/Town Council | Tring Town Council finds it difficult to make a recommendation until the change of use has been decided so the Council recommend REFUSAL of this application until after the change of use has been decided. |

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 3 | 24 | 0 | 0 | 24 |

Neighbour Responses

| Address | Comments |
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| Red Roofs Little Tring Road Little Tring | The chattel is a crucial/integral structure providing the much needed shelter/comfort and security required for the well-being of the dogs during their time in the care of the wonderful team at Dog Day Care. |

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| <p>Tring Hertfordshire HP23 4NP</p> | |
| <p>Rustlings Little Tring Road Little Tring Tring Hertfordshire HP23 4NP</p> | <p>For the past 20 years I have lived on Little Tring Road in one of the 3 isolated houses directly opposite the field in which the Harts & Hounds Dog Day Care operation is located. Since this business was established, the owners have made great efforts to liaise with all three households and subsequently two of the incumbent families who own dogs now send them to the day care facilities.</p> <p>The chattel under discussion in this application is not visible from our house and does not constitute a nuisance or problem in terms of noise, access, traffic, safety, environmental issues or inappropriate character. Not only is the chattel some distance, and scarcely visible, from the road, it also seems to be of an appropriate construction/finish given the rural surroundings.</p> <p>Given all of the above circumstances and taking into account the essential nature of the building to the viability of the business, I can see no rational or legal reason why the retention of this structure should not be approved. Indeed, a rejection of the application would seem to be both pointless and vindictive.</p> <p>With my customer's hat on, the removal of the indoor facility would drastically limit the quality of the care our dog receives and it is unlikely that we would continue to the service. The building is essential. It is unreasonable to expect the dogs to be out in all weathers for an extended (6 hour) period with no shelter or a place to rest.</p> <p>It is for these reasons that I strongly support this application.</p> |
| <p>15 Mill Gardens Tring Hertfordshire HP23 5ES</p> | <p>This application should be approved and granted as it is vital for the welfare of the dogs on a daily basis. Without this structure the dogs that attend will be placed at increased risk of overheating in the summer months and will equally have no respite from the chill in the winter. It is extremely important that the dogs have rest periods during the day for their wellbeing without this structure there is no alternative option / sheltered space for this to take place.</p> <p>Having viewed the location / site of this application it is in my view that there is no adverse effect on the landscape or ecology.</p> <p>Given that this application is important to the day to day functioning of a local, well supported and much loved business teamed with the overriding animal welfare points the case to retain the current structure in my opinion acceptable.</p> <p>Given the above points are working solely on fact and not weighted on an emotional angle like some planning permission applications I urge this application to be granted.</p> |
| <p>15 Hammond Street Aston Clinton Aylesbury</p> | <p>This proposal should be agreed on the basis that any animal should be provided with a safe and secure environment which includes ample shelter for all inclement weather. Due to the covid pandemic the</p> |

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| Hp22 0Aj | <p>amount of dogs owned has increased ten-fold and with that, the need for experienced and caring dog daycare facilities. This proposal shows that the submitter is looking after the animals needs and welfare which is exactly what a caring, responsible daycare owner should do. The shed is a freestanding, non obtrusive structure that is purely used for the protection and safety of the animals.</p> <p>This application should be approved without discussion.</p> |
| 2 Sawdy Drive Aylesbury HP22 0AL | <p>I support retaining the structure. It provides vital shelter for dogs in hot, cold and wet weather.</p> |
| 55 Albion Road Pitstone LU7 9AY | <p>I am a regular user of dog day care services and having previously used other providers, switched to this operation as a result of the reassurance I took from the facilities provided.</p> <p>I certainly regard the building under discussion as an essential and core component of this business.</p> <p>It is necessary if it is to ensure that it can provide the level of care required in all weather, and reflects the need to be able protect all of animals entrusted to them from both severe cold and wet, and from overheating in the summer months.</p> <p>It is this kind of attention to detail which attracted me to the business. I regard them as conscientious and valuable provider of what many working people regard as an essential service, one which could not operate without the chattel under consideration. I would therefore be grateful if you would agree to its retention.</p> |
| 1 Model Row Buckland HP22 5HY | <p>This timber shed is absolutely needed for the welfare of the animals in the businesses care. It's going to make it untenable for the business to continue without the shelter for both the animals and the employees. Please support this application for the timber shed to continue. The business serves so many of the local community.</p> |
| 12 Beech Walk Tring Hertfordshire HP23 5JQ | <p>I fully support retention of this chattel/building as it is important for our dogs welfare and that of the others who attend. It is fully in-keeping with its rural surroundings and, in my opinion, does not in any way, detract from its surroundings. Our dog attends this facility twice weekly and benefits from socialising with other dogs and the attention it receives from Hearts and Hounds professionals. The building allows rest time after exercise and provides shelter during days that are excessively hot, very cold or wet. Once again, I fully support retention of this structure.</p> |
| great moat barn buckland aylesbury HP22 5hy | <p>This chattel is a vital part of the daily operation of Hart's and Hounds. The business is required as part of its license to provide rest breaks for the animals and shelter during cold and inclement weather. Without this chattel it would not be possible to provide this.</p> <p>The owners of Hart's and Hounds are very well respected in the local community and customers place their loved animals in their care. Part of the high quality care that is delivered is the use of this chattel. It would be a shame to prevent a highly thought of local business from operating in this field. The field is fully enclosed and very safe for the</p> |

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| | animals |
| 41 Nathaniel Walk Tring Hertfordshire HP23 5DG | This building provides shelter to the dogs attending the day care so they are safe in all weather conditions. It is vital for the animals to have this resource. The business is a great asset to the local community providing unparalleled care for dogs throughout days when their owners are working or unable for some reason to provide care themselves. Without this building the day care could not continue. |
| 35 Rushendon Furlong Pitstone LU7 9QX | I would like to support the application for the Chattel to stay and continue to be used for the dog daycare. It is disgusting that anyone should suggest the removal of the chattel and expect dogs to be looked after in a field with no shelter from the elements, be it cold in the winter or shade from the hot sun. I have been to events held at this site myself and the chattel was an absolute must for all concerned. It is situated away from the road causing absolutely no obstruction to any other people and is not unsightly at all, it is on skids which makes it a movable shelter. Matt and Jess provide a fantastic service for the families of the dogs entrusted to their care while the owners are busy working, to remove this chattel would compromise their ability to continue to offer the level of care they currently do. |
| 1 Mentmore View Tring HP23 4HR | I wanted to express my support for the retention of the wooden clad structure. My elderly dog loves the warmth comfy chairs for dog and so on. As she is no longer in the first flush of youth she likes to sleep in there, shelter in there from rain and snow and so on. Even in the extreme hot weather we have been experiencing in recent times it's been a wonderful shelter for my dog. Taking this structure away would be a great loss for the dogs and I suppose also for the whole set-up As the structure is not really visible from any of the roads nearby I wonder why it should be removed. The whole set up including the wooden structure are a great asset for the daycare centre and one of the reasons I feel so happy to leave my dog in their care while I work. The dogs have room to run and play but most important they have a place to relax and sleep which is so very important for a dog. I do hope you and the planning committee can agree to retain the wooden structure. From a very satisfied client and her dog. |
| Farriers Cottage White House Gardens Tring Hertfordshire HP23 6FA | I fully support the retention of the chattel. It is vital to the operation of this important local business as it is used as a shelter in extreme weather conditions and also as a place to rest which is vital for the welfare of the dogs. |
| 88 Brook Street Aston Clinton Aylesbury HP22 5ET | We fully support the retention of the chattel. It is essential that dogs have shelter during unsuitable weather and a place to rest. The dog day care provides a vital service, it allows us to work full time in our job as teachers serving our community all the while knowing that our dog is being properly cared for. He can be happy and safe and have appropriate company during the day. Without the chattel we don't see how the dog day care will be able to provide a suitable service and we |

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| | strongly feel we won't be able to find anything similar/ suitable for our dog elsewhere. Therefore one of us would need to leave our work. |
| Combpyne Icknield Way Tring Hertfordshire HP23 5HJ | The Chattel is a vital part of the daycare set up and one of the main reasons we chose this provider. Puppies and dogs of all ages need rest and also need protection from the elements whether it be sun or rain and snow when they would otherwise be outside for most of the day. People choose a dog daycare place where their pets will be looked after as if they were at home. As such I support the retention of the timber shed as part of the business set up. |
| 34 Dobbins Lane Aylesbury Bucks HP22 6DH | I would like to write in support of the chattel for Harts and Hounds field. This shed is absolutely essential for the dogs to have somewhere to rest and somewhere to shelter in bad weather. It would be impossible to run the Harts and Hounds doggy day care without shelter, it would be cruel to expect the dogs to be outside with no shelter in either cold or hot weather. If you have any further questions I can help you with please don't hesitate to ask me. |
| 2 The Old Forge Tring Road Long Marston Tring Hertfordshire HP23 4RL | My dog currently goes to the dog day care situated at this site. xxxx and xxxx the owners of the business provide a fantastic service looking after him during the day so I can work. One of the reasons we chose them was the shelter provided by the Chattel. My dog is thin coated and would not cope if he was not able to rest inside in the cold or rainy weather. He shivers if he gets wet and would suffer if he had to remain outside all day. Therefore we would have no choice but to remove him if the planning isn't granted. The service xxxx and xxxx provide is exceptional and my dog is so delighted to see them it tells it's own story. I have never until now been happy enough with the service provided to put my dog in day care but xxxx and xxxx are different and care deeply about all the dogs in their care. I (and my dog) would therefore be very grateful if you could look favourably on their application |
| Combpyne Icknield Way Tring Hertfordshire HP23 5HJ | I support the granting of retrospective planning consent for the structure (chattel). It provides an essential function in providing shelter for the dogs in poor weather, and in hot conditions when dogs are prone to overheating. The shelter is entirely appropriate for use, provides the correct function and is neither overly elaborate or open to inappropriate alternative use. As a wooden structure on farming land that is not visible from the road, it is entirely in keeping with the environment and it's purpose and current use. I support this planning application, and the business that depends upon it's provision. |
| Brandon Cottage 64A High Street Tring Hertfordshire HP23 4AF | The day care that is provided on this premises including the 'chattel' is imperative for the care of our dog and others that attend. By having this 'chattel' our dog can attend all year round despite the weather which would be impossible otherwise. The dogs cannot be outside from 9-5 every day, especially in the current weather conditions and need a place to shelter that offers warmth. The knock on effect of this building not being allowed will be terrible not |

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| | only for the business itself but also for us and our dog. |
| 52 Cruickshank Drive HP22 5FD | <p>I am writing with regard to supporting the preservation of the Chattel which currently exists at Little Tring Farm.</p> <p>My puppy attends Harts & Hounds, the dog daycare which operates on Little Tring Farm; a vital and integral component of the daycare is to provide much needed shelter in times of inclement or extreme weather as well as providing the dogs with a protected place to rest. The current Chattel serves this need and it's existence is tantamount for Harts & Hounds to continue to provide their service (dog ownership has increased over 50% in the past 2 years - local dog owners desperately need daycare).</p> <p>It is my hope that you see the necessity in allowing the Chattel to remain erected and functional.</p> |
| 33 High Street Ivinghoe LU7 9EP | <p>I am unable to post my comment on the planning portal so have been advised to send you an email regarding 21/03917/RET Retention of Chattel .</p> <p>Our dogs attend Harts and Hounds doggy daycare and have done so for two years. We love the care they receive and what makes it really special is the fact that they can get regular exercise and fresh air in a safe environment and have comfortable and warm shelter whenever needed (or in case of our dog Bertie - whenever he wants to sleep which is all of the time) :) Without this building the day care could not continue and we would lose a great local business as well as a vital resource for those of us who want great care for our four pawed children.</p> <p>Please keep the chattel in place as it is much needed and appreciated.</p> |
| 18 Hever close Pitstone LU7 9FH | <p>I fully support the Chattel remaining as this ensures my dog and others can be well looked after in all types of weather. If it's too hot they need shelter and also if it's pouring with rain.</p> <p>We visited several dog day care and chose this one based on its facilities. We would need to look elsewhere if the facilities changed.</p> |
| Lewins Farm Chesham Road Wigginton Tring HP23 6HH | <p>We fully support the chattel to remain as it is vital for the health and safety of all the dogs who attend.</p> <p>Without it there would be no protection from the elements throughout the seasons.</p> <p>It would be so sad for everyone involved if this business had to close.</p> <p>They provide such an excellent service in every possible way and it is certainly the highlight of my dog's week.</p> |
| 5 Mortimer Hill Tring Hertfordshire HP23 5JT | <p>With regard to the above application I understand that the council's opinion is that business could continue in its current form without the Chattel.</p> <p>I strongly disagree with this opinion.</p> |

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| | <p>The service they provide is a combination of:</p> <ul style="list-style-type: none">. exercise and activities for the dogs they look after, which can only happen in the fields where they provide the service.. a suitable shelter so the dogs can rest during the day, and shelter from inclement weather if necessary. <p>They cannot run the excellent service without both elements, so the chattel is essential.</p> |
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Agenda Item 6

6. APPEALS UPDATE

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 01 January 2022 and 27 February 2022.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|--------------|--------------|---|----------------------------|
| 1 | 21/04397/FHA | D/22/3290070 | 4 Parkfield, Markyate | Householder |
| 2 | 21/03179/FHA | D/22/3290759 | Cottage 110, Wharf Lane, Cow Roast | Householder |
| 3 | 21/03180/LBC | Y/22/3290758 | Cottage 110, Wharf Lane, Cow Roast | Written Representations |
| 4 | 21/02968/FHA | D/22/3290876 | Greenbanks, Toms Hill Road, Aldbury | Householder |
| 5 | 21/02210/ROC | W/22/3290993 | Gamel Farm, 5 Goldsworth Road, Tring | Written Representations |
| 6 | 21/02331/FUL | W/22/3290318 | Land Off, Cupid Green Lane, Hemel Hempstead | Written Representations |
| 7 | 21/04354/FHA | D/22/3291812 | 4 Reson Way, Hemel Hempstead | Householder |
| 8 | 21/03631/FHA | D/22/3292108 | 10 Old Watling Street, Flamstead | Householder |
| 9 | 21/04277/FUL | W/22/3292464 | Land adj. Finch Cottage, Tower Hill, Chipperfield | Written Representations |
| 10 | 21/03708/FHA | D/22/3292490 | 3 Epping Green, Hemel Hempstead | Householder |
| 11 | 21/04085/FHA | D/22/3292754 | 62 Scatterdells Lane, Chipperfield | Householder |
| 12 | 21/02825/FUL | W/22/3293715 | Church Farm, Station Road, Aldbury | Written Representations |

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 01 January 2022 and 27 February 2022.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|--|--------------|------------------------------|----------------------------|
| 1 | 20/03800/FUL | W/21/3270460 | 121 High Street, Markyate | Written Representations |
| | Date of Decision: | | 21/01/2022 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3270460 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The traditional terraced form, fenestration pattern, prominent high street corner location and architectural detail, including No 121's chamfered corner doorway, and timber framing in the gable end of No 117, contribute to what the listing describes as its picturesque quality. Consequently, the listed building embodies evidential, historical and aesthetic values. The above contributes to both the listed building's special interest and the significance of the CA.</p> <p>The proposed flat-roof toilet extension would be subordinate to the existing modern rear flat-roof extension in terms of height and mass. Also, it would result in a more gradual, less abrupt step down from the existing rear extension to the yard's side boundary wall, viewed looking towards the property's south-eastern perimeter. This would visually moderate the step down in built profile, and so distract less from the main historic core of the appeal building, viewed from the south-east. Furthermore, the proposed single storey outbuilding in the rear yard would assimilate acceptably within the evolved context of some diversity of outbuildings and extensions in the locality. Its timber cladding would help it to visually blend in with garden shed presence in the locality. The tarmac surfacing of the yard fits with the evolved commercial use of the building and mixed use in the locality.</p> <p>The proposed plan for conversion of the appeal building's first floor from a staff room, toilet and storeroom to a one-bedroom flat indicates that existing internal walls and layout would remain. However, there is a relative lack of detail before me regarding works and fittings likely to be necessary to make the first floor habitable, including any kitchen or bedroom fittings, repairs, and sound or fire insulation between floors, for example. As such, there is not sufficiently clear detail regarding the likely interior works to convert the first floor to a flat, and their effect on the listed building, to decisively demonstrate avoidance of harm to the fabric and special interest of the listed building.</p> <p>Given the extent of the proposed changes, I find the harm to the listed building to be less than substantial in this instance, but nevertheless of considerable importance and weight. I find that the public benefits of the proposal do not outweigh the great weight given to the conservation of the designated heritage asset and the less than substantial harm to its significance which I have identified. I therefore conclude that the proposal would fail to preserve the special interest of the Grade II listed building.</p> | | | |

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|---|------------------------------|--------------|--|----------------------------|
| 2 | 20/03801/LBC | Y/21/3270459 | 121 High Street, Markyate | Written Representations |
| Date of Decision: | | | 21/01/2022 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3270460 | | | | |
| Inspector's Key conclusions: | | | | |
| [This was a conjoined appeal with the appeal detailed above, with a conjoined Decision Letter.] | | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 3 | 20/02947/DRC | W/21/3271893 | Berry Farm, Upper Bourne End Ln, Hemel Hempstead | Written Representations |
| Date of Decision: | | | 26/01/2022 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3271893 | | | | |
| Inspector's Key conclusions: | | | | |
| <p>The proposed landscaping details before me here are identical in terms of their layout to those considered in the associated appeal. These involve a number of changes to the approved layout. Amongst other things, they relate to 2 access tracks within the site rather than 3, a new location for the car park (further from the main access track and gates), and the relocation of a number of irrigation tanks into a more central position within the site. Additionally, a new pump house structure is proposed, and a fairly large area of land, stated to comprise a pig yard, has been excluded from the appeal site.</p> <p>As such, and likewise to my findings in the associated appeal, it is clear that all these proposed changes, when taken in combination, involve a layout that is very different from the approved scheme. Hence, the proposed landscaping scheme would not fall within the terms of the existing planning permission. The condition concerning the landscaping scheme cannot therefore be satisfied on the basis of the information submitted.</p> <p>As I have found on the first main issue that the proposed landscaping scheme would not fall within the terms of the existing planning permission, it would not be appropriate nor necessary to consider the effect of the proposed landscaping scheme on the character and appearance of the area. I have not therefore taken this matter further.</p> | | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 4 | 20/02945/ROC | W/21/3271898 | Berry Farm, Upper Bourne End Ln, Hemel Hempstead | Written Representations |
| Date of Decision: | | | 26/01/2022 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3271893 | | | | |
| Inspector's Key conclusions: | | | | |

| <p>I am only able to consider the question of the conditions subject to which planning permission has been granted. In other words, my assessment in this appeal is not a re-consideration of the case. Accordingly, it is not for this appeal to consider the effect of varying condition No 2 on the character and appearance of the area or the Green Belt. In light of the above, the main issue is whether or not the proposed amended scheme would constitute a minor material amendment to the approved scheme.</p> <p>The proposed amendments involve a number of fundamental changes to the layout, compared to the approved scheme. These changes include, amongst others, 2 access tracks within the site rather than 3, a new location for the car park (further from the main access track and gates), and the relocation of a number of irrigation tanks into a more central position within the site. Additionally, a new pump house structure is proposed, and a fairly large area of land, stated to comprise a pig yard, has been excluded from the appeal site. When taken together, these changes would represent a significant departure from the approved scheme. To the extent that, with regard to the PPG, I could not consider them a minor material amendment to the approved scheme.</p> <p>Taking all of the above into account, the condition as it currently stands is appropriate, reasonable and necessary to correctly define the development permitted for clarity and enforcement purposes and should therefore, with the above in mind, remain unaltered.</p> | | | | |
|--|--------------|--------------|--|-------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 5 | 21/00016/FHA | D/21/3276025 | Little Shantock, Flaunden Lane, Flaunden | Householder |
| Date of Decision: | | | 31/01/2022 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3276025 | | | | |
| Inspector's Key conclusions: | | | | |
| <p>The proposal is for extensions to the existing house, which when considered with previous completed extensions, would result in a considerably greater sized dwelling than was the original. The original dwelling was a bungalow, but the proposal would result in a two storey house with an increased height ridge and dormers, with further extensions to the rear. This is on top of the previous extensions to convert what was a bungalow to a two storey house, for example.</p> <p>I would regard the total additions (existing extensions and those now proposed) over the original dwelling to be disproportionate. The overall additions could not be considered as 'limited'. It may be that the proposed extensions with this appeal are sympathetically designed and would result in a house of similar scale to others in the area, but nonetheless, when considering that this property was a bungalow the further extensions as now proposed would result in a disproportionately extended dwelling. I acknowledge that the 'footprint' of the dwelling is similar to the original bungalow, but there is a considerable amount of both additional volume and</p> | | | | |

| <p>floorspace if this proposal was implemented. I conclude that the proposals would be inappropriate development which is, by definition, harmful to the Green Belt.</p> <p>There would therefore be a small loss of openness to this part of the Green Belt, though this is additional to the openness already lost with previous extensions.</p> <p>There are no other considerations which clearly outweigh the harm I have identified. Consequently, whilst the appellant has set out positive features of the development proposed, such as the architectural design, these do not amount to very special circumstances. As such, there is not the necessary justification for the proposal as a form of inappropriate development in the Green Belt.</p> | | | | |
|--|------------------------------|--------------|--------------------------------|-------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 6 | 21/01463/FHA | D/21/3280746 | 36 College Close, Flamstead | Householder |
| Date of Decision: | | | 01/02/2022 | |
| Link to full decision: | | | | |
| https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3280746 | | | | |
| Inspector's Key conclusions: | | | | |
| <p>The proposed front extension is of a similar design to other extensions within the close and would be constructed of materials to match the existing dwelling. I find that it would harmonise with the existing house and the area within which it is located. The Council have raised no objection to the rear element of the proposal. From the evidence submitted, and what I saw on my site visit, I am satisfied that this element of the proposed development would not cause harm to the character of the area.</p> <p>The side extension would be positioned well forward of the building line of Nos 38 - 40 College Close and would be visually dominant within the streetscene. Moreover, it would reduce the gap between the gable wall of the host property and the properties on the opposite side of College Close, i.e., Nos 1-4, thereby restricting the open view that currently exists from the entrance of College Close to the communal green space.</p> <p>I acknowledge that the proposed side extension would not project beyond the curved section of the existing boundary wall. However, it would intrude into the area of open garden to the side of the host property for much of its length and be significantly higher than the existing boundary wall. I also note that the proposed development would incorporate a hipped roof, which is not a roof style that is currently present in the Close. As a result, the proposal would appear as an incongruous feature within the street scene. Accordingly, I conclude that the proposal would be harmful to the character and appearance of the area.</p> | | | | |

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|--|---|--------------|---------------------------|----------------------------|
| 7 | 20/04015/FUL | W/21/3277915 | 74 Brook Street, Tring | Written Representations |
| | Date of Decision: | | 03/02/2022 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3277915 | | | |
| | Inspector's Key conclusions: | | | |
| <p>The proposal would occupy the majority of the plot and would have a relatively small garden compared with the other dwellings in the area. As such, the building would appear overly large for the size of the plot and would harmfully depart from the spacious prevailing pattern of development.</p> <p>The building would have a two-storey massing and would be significantly taller than the adjacent bungalows. It would therefore unduly dominate the street scene of Brookfield Close and would harmfully erode the spacious character of the area.</p> <p>While the evidence indicates that only one tree is proposed to be removed, given their spacing, it is likely that more trees would need to be removed to facilitate access to the proposed driveway. In addition, there is little evidence regarding tree protection measures that demonstrate that the proposal would result in no harm to the trees that are not proposed to be removed. Three of the trees appeared to be in reasonable condition during my site visit and of a significant height. As such, their loss would harm the character and appearance of the area.</p> <p>Consequently, the proposed development would harm the character and appearance of the area, including the trees.</p> <p>Given that the proposed dwelling would be sited at a significantly higher ground level than No 74 and with limited separation distance, the building would dominate views from the rear patio area of No 74, unduly diminishing the outlook of the occupier. [The] fence introduced between the two properties...would further reduce the outlook from the patio areas which are at a much lower ground level than the proposed dwelling. Given the difference in ground level and distance between the proposed building and that of No 74, the proposal would result in an unacceptable outlook for the occupiers of No 74.</p> <p>The subdivision of the existing plot would result in a significantly reduced private amenity area for the occupiers of No 74. In addition, since the remaining area would be split across two ground levels and stepped, there would be very little usable private amenity space. Since the property is a threebedroom dwelling, the remaining private amenity area would not meet the needs of a small family.</p> | | | | |

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|---|--------------|---|----------------------------|
| 8 | 21/00542/FHA | D/21/3274011 | 2 Timberlakes, Church Lane, Hastoe | Householder |
| | Date of Decision: | | 04/02/2022 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274011 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The proposal is for an ancillary outbuilding, being a detached garage and workshop building. In this case, due to the separation distance of dwelling to the proposed outbuilding, I would not regard it reasonable to consider the outbuilding as an extension to the dwelling for the purposes of this main issue. I conclude that the proposals would therefore be a form of inappropriate development which is, by definition, harmful to the Green Belt.</p> <p>The proposed large outbuilding would be positioned on what is an undeveloped lawn/landscaped area, which would be visible at least partially from the local roads, for example. Therefore, there would be a material loss of openness within this area of the Green Belt as a result of the proposals.</p> <p>Whilst it would be largely screened from some directions, such as from Browns Lane, it would likely be visible from Church Lane where it would be a particularly prominent feature from the road, especially if it was on a higher ground level than this highway. Furthermore, the level of screening from landscaped boundaries could change over time, resulting in an increase in the prominence of the proposed outbuilding. In my view the proposal would be more visually prominent from Church Lane, where it would have an adverse visual impact as an overly intrusive new building due to a combination of its size and position. Additional planting would not be sufficient to mitigate the visual impacts of the proposal. The proposal would have an adverse impact to the AONB designation and the character of the area.</p> <p>There are no other considerations which clearly outweigh the total harm I have identified.</p> | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 9 | 21/00358/FUL | W/21/3274202 | Honeysuckle Barn, Birch Lane, Flaunden | Written Representations |
| | Date of Decision: | | 11/02/2022 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274202 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>In this case, the additional volume over that approved or the original barn would be limited. The differences over that approved would include the increase in height and additions related to the roof alterations, which has already taken place. Whilst this has added to the volume and height of the former barn, it was always a relatively large building on this site. As such, the extensions with the additional roof height and associated volume and floor</p> | | | |

space increases are not to a degree that I would consider results in a disproportionately extended building. The extensions are 'limited' over and above the original building. Therefore, this is not an form of inappropriate development in the Green Belt and is not contrary to policy CS5 in this regard.

The barn conversion as originally approved retained a distinct rural/agricultural character for the new dwelling, which was a positive aspect of the development considering the Conservation Area and the rural setting of the site on the edge of the village.

The additional height of the roof does not diminish the rural character of the barn conversion. There is the shallow pitched roof, but this was similar to that approved and is not incongruous as a result of the additional height. This aspect of the development, in my view, preserves the character and significance of the Conservation Area. With regards to the first floor addition, this is an internal alteration which in itself does not have any harmful visual impact to the Conservation Area or rural character of vicinity of the site.

However, the proposal includes the insertion of additional windows at first floor level. Although some of the initially proposed first floor windows have been removed with the amendments, the remaining proposed windows would result in a building with a more domestic appearance through these new fenestration openings where none originally existed, even with the vertical emphasis included. These additional windows erode the rural character of this barn conversion and therefore fails to preserve the significance of the Conservation Area to which the rural character is an important aspect.

The domestication of the appearance of the barn conversion would result in a negative effect and therefore the proposed first floor windows would not preserve the Conservation Area. The harm would be less than substantial. Overall, the public benefits for this single dwelling would be limited and do not offset the identified harm, to which I must attach considerable importance and weight.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|--|--------------|---|----------------------------|
| 10 | 20/02360/FUL | W/21/3278634 | Rosemary Cottage, 126 High Street, Northchurch | Written Representations |
| | Date of Decision: | | 22/02/2022 | |
| | Link to full decision: | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3278634 | |
| | Inspector's Key conclusions: | | | |
| | The proposal, for 2 pairs of semi-detached houses with associated garden areas, would largely erode the mostly undeveloped nature of the site. In this respect, the contribution that the setting makes to the significance of Rosemary Cottage would be compromised by the proposal. Whilst the harm to the setting of Rosemary Cottage [a Grade II listed building] would be less than substantial, this harm is of considerable importance and weight. This | | | |

harm must be weighed against the public benefits of the proposal.

The setting, including the appeal site, contributes to the significance of the conservation area by providing a reminder of its historic past as a small agricultural community. In this respect, although the site is surrounded by a housing estate, the proposal to build 4 houses on the site would considerably erode these historic associations, which would undermine the contribution that the setting makes to the historic interest of the conservation area. Consequently, the significance of the conservation area would be materially harmed by the proposed development within its setting. Whilst the harm that would be caused to the significance of the conservation area as a designated heritage asset would be localised and accordingly would be less than substantial, this harm must be weighed against the public benefits of the proposal.

Collectively, I give moderate weight to all the public benefits of the proposal. Thus, those benefits do not, either individually or cumulatively, amount to public benefits which outweigh the harm that would be caused to the significance of Rosemary Cottage and the significance of the conservation area.

The proposal would create 8 parking spaces in a row which would entail a markedly wide expanse of parking provision in this location. Moreover, the proposal would result in car parking on both sides of Chapel Crofts which would give Chapel Crofts the appearance of being unduly dominated by car parking areas. All this would cause harm to the character and appearance of the area.

Due to the very limited separation distance between No 20 and the dwelling proposed for Plot 4, the proposed dwelling would appear conspicuously dominant in views from both the conservatory and the ground floor rear windows at No 20. In this way, the proposal would make the conservatory and the affected living areas within No 20 much less pleasant to use. I find that the proposal would have an unacceptable and harmful effect on the living conditions of the occupiers of No 20, with particular regard to outlook.

The proposal would result in a very wide expanse of dropped kerb. This would hinder the ability of pedestrians to move to a safe place and be clear of vehicles coming and going from the site. The resulting situation would be particularly hazardous for pedestrians with mobility problems, the elderly and children. Consequently, the proposal would be unacceptable in highway safety terms, particularly for pedestrian users. 26. I therefore find that the proposal would have an unacceptable and harmful effect on highway safety.

The lack of a 5 year housing supply means that the policies which are most important for determining the proposal are out-of-date in accordance with paragraph 11 d) of the Framework. However, part i. of paragraph 11 d) clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including designated heritage assets, provide a clear reason for refusing the

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| | development. As I have explained, the proposal would lead to less than substantial harm to the significance of both Rosemary Cottage and the conservation area, and these harms would not be outweighed by public benefits. This provides a clear reason for refusing the proposed development. |
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6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 01 January 2022 and 27 February 2022.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|------------|---|------------------|---|----------------------------|
| 1 | 21/00613/LBC | Y/21/3272860 | Witches Hollow, Ringshall Drive, Little Gaddesden | Written Representations |
| | Date of Decision: | | 14/01/2022 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3272860 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>[The appeals were allowed, granting both planning permission and listed building consent].</p> <p>The main issue in this case is whether the proposal would preserve the Grade II listed building 'Witches Hollow' (Ref: 1174755), or any features of special architectural or historic interest that it possesses.</p> <p>Consequently, the listed building embodies evidential, historical, aesthetic and communal values, which contributes to the building's special interest. Given the above, I consider the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the legibility of its seventeenth century core and its historically layered architectural evolution.</p> <p>The proposal would reduce the visibility of part of the historic roof and wall of the listed building's 'snug' room, from exterior view from the northern end of the garden. That said, the roof and chimney of the 'snug' part of the building would still be noticeable and the proposed link's glazing would provide a degree of transparency which would help the form of the existing single storey wing to remain legible. Also, the replacement of the clay roof tiles to the existing lean-to with slate would modestly highlight the earlier parts of the building by creating a contrast between the old and new roof. The above together would result in the building's northern elevation continuing to read 'on the ground' as a combination of the historic house core, recent weatherboarded heritage-style extension, and recent kitchen extension with a substantially glazed link.</p> <p>Thus, the building's evolved architectural blend of primary, charismatic historic core, with several more recent subordinate additions would endure, albeit in a moderately different form. Therefore, the legibility of the listed building's seventeenth century core and its historically layered architectural evolution would endure. The above factors would also help the proposal to</p> | | | |

| | blend in with its residential garden landscape setting, and conserve the beauty of the AONB. | | | |
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| | Given the above, I conclude that the proposal would preserve the special interest of the Grade II listed building. | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 2 | 21/00612/FHA | D/21/3272861 | Witches Hollow, Ringshall Drive, Little Gaddesden | Written Representations |
| | Date of Decision: | | 14/01/2022 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3272860 | | | |
| | Inspector's Key conclusions: | | | |
| | [This was a conjoined appeal with the appeal detailed above, with a conjoined Decision Letter.] | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 3 | 20/01843/FUL | W/21/3279289 | 93-95 High Street, Markyate | Written Representations |
| | Date of Decision: | | 14/01/2022 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3279289 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>I consider the special interest of the listed buildings, insofar as it relates to this appeal, to be primarily associated with the historic legibility of their traditional Hertfordshire village centre architecture. This contributes to the CA's significance, which lies in the historic townscape that reflects Markyate village's evolution from the seventeenth to the nineteenth century.</p> <p>The proposal would entail a relatively substantial separation gap of around 23m of garden and yard space, from the front elevation of the proposed house to the facing main rear elevation of the High Street row of dwellings. Furthermore, the height of the proposed house would be contained to one and a half storeys, within the context of the 'jigsaw' pattern of historic village centre development that includes typically two-storey terraced and backland mews houses. In its backland position, offset from the High Street archway entrance, the proposed carport would be relatively secluded from wider view within the CA, and its open sides would limit its bulk. Furthermore, the house's Flemish bond brickwork would reflect the local vernacular, and appropriate brick, roofing and cladding materials would be secured by planning condition. Together these factors would help the proposed development assimilate within its setting.</p> <p>In recommending granting of planning permission, the Planning Officer's Report set out that the proposed dwelling would appear sufficiently modest and subservient in relation to the historic houses on High Street, and its design, detailing and form would conserve the area's historic character. Given the combination of assimilating factors identified above, I agree on these points. I therefore conclude that the proposed development would</p> | | | |

| | <p>have a neutral effect on the setting of the listed buildings, and would preserve their significance. It would also preserve the character and appearance of the CA.</p> <p>The proposed house would be contained to one and a half storeys. Furthermore, there would be a separation gap of just over 23m between the main front wall of the proposed house and main rear wall of the facing High Street row. This would meet the dwellings spacing requirement of Appendix 3 of the Dacorum Borough Local Plan 1991-2011. Upper fenestration to the sides of the proposed house would be limited to a bathroom window and rooflight. Also, various views between windows in the front of the proposed house, and dwellings on plots to the sides of the appeal site would be relatively oblique.</p> <p>Together, these factors would acceptably moderate the proposed dwelling's visual impact, and overlooking between the proposed and neighbouring properties.</p> | | | |
|-----|---|--------------|----------------------------------|-------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 4 | 21/01313/RET | D/21/3279451 | 28 George Street, Berkhamsted | Householder |
| | Date of Decision: | | 19/01/2022 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3279451 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The weatherboarding on the gable end replaces a render finish which I understand had been failing for some years and allowing the ingress of water, manifesting itself as damp within the house.</p> <p>Rendered finishes are not uncommon elsewhere in the immediate vicinity and can be seen in a variety of colours. In this context, the replacement of the old render with new would have been acceptable. However, I am persuaded by the appellant's argument that this would not have been practical as the removal of the render would have been likely to damage the brickwork and cause it to break away. The new render would have been subject to the same thermal stresses because it faces south and is exposed to high levels of sunlight and would be at risk of cracking and breaking away again.</p> <p>I accept that weatherboarding is not commonly used in the surrounding area and that it is more commonly used in outbuildings. Its use in this context is not in keeping with the traditional building materials prevalent in the area. However, I consider that it is important to maintain the viable use of this cottage to a standard which is consistent with modern requirements in a time of climate change and there is a social and economic benefit in providing a more energy efficient dwelling.</p> <p>Its impact on the character and appearance of the street is limited because in public views, the gable wall is visible in its entirety only from immediately south of it from the street.</p> | | | |

| | I conclude that the weatherboard cladding causes less than significant harm to the conservation area because it is not a traditional material reflecting the character and appearance of the Victorian cottages. However, weighed against this harm is the benefit of its continued use as a dwelling in keeping with the traditional residential character of the conservation area. | | | |
|-----|--|--------------|--|----------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 5 | 21/00544/ROC | W/21/3273994 | Keepers Cottage, Half Moon Lane, Pepperstock | Written Representations |
| | Date of Decision: | | 22/01/2022 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3273994 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>In their appeal, the appellants have effectively sought consent for the reinstatement of permitted development rights for Cedar Barn. However, the Original Permission relates to a wider site, which comprises two other dwellings. In considering whether Condition 6 meets the tests set out in the Framework, I have therefore also had regard to its effect in relation to those dwellings, where relevant.</p> <p>The reason given for the contended condition is to enable the Council to retain some control over future development in the interests of both visual and residential amenity and the increase of development in the Green Belt. The Council has not provided any compelling evidence pertaining to the rationale for imposing condition 6 relating to living conditions or character and appearance (beyond the character of the Green Belt). Given the above, the main issue is whether or not the condition is reasonable and necessary in the interests of preserving the openness of the Green Belt.</p> <p>In its current form, disputed Condition 6 is neither reasonable nor necessary given that it is not necessary to remove permitted development rights under Classes C, D, F, G and H of Part 1 of Schedule 2 and Classes A, B and C of Part 2 of Schedule 2 of the GPDO 2015 (as amended). This is because development under these classes, in combination with the existing development, would preserve the openness of the Green Belt.</p> <p>However, a condition removing permitted development rights under Classes A, B and E is necessary and reasonable, in order to preserve the openness of the Green Belt and consequently, ensure compliance with Core Strategy (2013) Policy CS5 and the relevant provisions of the Framework. Without such a condition the existing development, in combination with future development under these classes, may not preserve the openness of the Green Belt. Indeed, Framework Paragraph 148 states that substantial weight should be given to any harm to the Green Belt.</p> <p>I am therefore allowing the appeal but not in the terms sought by the appellants. [Note: This is a split decision, part allowed / part dismissed].</p> | | | |

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|--|--------------|--|-------------|
| 6 | 21/01354/RET | D/21/3280282 | 18 Dinmore, Bovingdon | Householder |
| | Date of Decision: | | 27/01/2022 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3280282 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The dormer runs the full width of the house and is clad in light grey Cedral weatherboarding. There is a full height central window which according to the submitted plans serves a staircase and two windows serving a bedroom and a bathroom. The Council accepts that the size of the dormer falls within permitted development, but objects to the type and colour of the cladding. There are numerous large dormer windows in the surrounding area in a variety of materials, though the majority are of a darker colour.</p> <p>In general, weatherboarding is a common feature in the area, used for full first floor cladding on several nearby properties, in both dark brown/grey and white.</p> <p>I consider that, although the dormer at No. 18 is clearly visible from the neighbouring properties, it is not unduly prominent in views from the street as it is at the rear and appears only in glimpses at a distance through gaps in the houses. Although the colour of the cladding is different from that of the house itself, the weatherboarding is not out of keeping with the surroundings and the pale colour in contrast with darker brick materials is not an uncommon feature of other properties in the area.</p> <p>I conclude that the development is not harmful to the character and appearance of the area and that it is consistent with Core Strategy policy CS12.</p> | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 7 | 21/03109/FHA | D/21/3284123 | 25 Beaumayes Close, Hemel Hempstead | Householder |
| | Date of Decision: | | 28/01/2022 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3284123 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>While the extension would be wide relative to the existing dwelling, it would be set back slightly from the dwelling's front wall at first floor level. Additionally, it would have a front gable that would reflect the appearance of, but be smaller than, the front gable of the existing dwelling. The extension's surfacing materials and fenestration design would reflect those of the dwelling. The extension would therefore be a proportionate addition that would be compatible with the dwelling.</p> <p>Although none of the properties in the close feature extensions of a comparable design, the extension would not be highly prominent given the dwelling's set back from the highway and the extension's set back from the</p> | | | |

| | <p>first floor part of the dwelling's front elevation. Furthermore, as the site is at the end of the row, its consistent and cohesive appearance and rhythm would not be disrupted. The building lines and patterns of development in the close would not be adversely affected. Additionally, a significant gap would be retained between Nos 25 and 27 such that the proposal would not appear cramped or create a terracing effect. The character of the site and the close would be maintained.</p> <p>The proposal would not harm the character and appearance of the area. It accords with Policies CS11 and CS12 of the Council's Core Strategy 2006-2031.</p> | | | |
|-----|---|--------------|---|----------------------------|
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 8 | 21/00535/FUL | W/21/3274477 | Land SW Rosewood, Shootersway Lane, Berkhamsted | Written Representations |
| | Date of Decision: | | 31/01/2022 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274477 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>The proposal would introduce a detached dwelling between Rosewood and Ravels. Accordingly, it would substantially reduce the space between the existing properties. It would also replace the existing outbuilding with a structure with a marginally taller eaves and ridge height. Despite this, the siting of the proposed dwelling would be such that it would maintain a generous separation distance to Ravels. The building would also be set back from the road to the same extent as the houses either side. Accordingly, the principal building would have space about it in a manner commensurate to other nearby properties. As a consequence, I am satisfied that the siting of the main house would be sympathetic to the prevailing urban grain of the surroundings.</p> <p>The proposed outbuilding would increase the amount of built form on the appeal site. However, it is not uncommon in the locality for dwellings to have generous outbuildings located beyond them, and close to the highway. Space would remain between the buildings and the verdant context within which the appeal site is experienced would not be unduly compromised. Views of mature trees and established landscaping would be maintained and the space between properties would be sympathetic to the immediate surroundings. Accordingly, in my judgement, the proposal would not appear cramped. Instead, it would result in a form of development that would make good use of the site in a manner that would be suitably respectful to the established verdant and spacious surroundings.</p> <p>Notwithstanding my findings, due to the location of a car parking space between the proposed outbuilding and front site boundary, the established hedgerow would be compromised. The details before me confirm that a new soft boundary would be created and, in my judgement, the success of this feature would be fundamental to the success of the proposal. Accordingly, although no conditions have been suggested by the Council, I find that a</p> | | | |

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| | <p>landscaping condition to control this matter is entirely necessary and that the full details should be agreed prior to development commencing.</p> <p>I am satisfied that existing privacy levels would not be compromised. Due to the space between buildings, I am also satisfied that the proposal would not give rise to an unacceptable sense of enclosure or overbearance. Moreover, for the same reason, the proposal would not cause undue noise and disturbance. Accordingly, the proposal would not harm the living conditions for the occupants of neighbouring properties, and I note that the Council arrived at the same conclusion.</p> |
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6.4 PLANNING APPEALS WITHDRAWN

Planning appeals withdrawn between 01 January 2022 and 27 February 2022.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|--------------------------|--------------|--|-------------|
| 1 | 21/03179/FHA | D/22/3290759 | Cottage 110, Wharf Lane, Cow Roast | Householder |
| | Date of Decision: | | 18/01/2022 (appeal turned away – too late) | |

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 01 January 2022 and 27 February 2022.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|--------------------------------|--------------|---|-----------|
| 1 | E/21/00041/NPP | C/22/3290614 | The Old Oak, Hogpits Bottom, Flaunden | Hearing |

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 01 January 2022 and 27 February 2022.

None.

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 01 January 2022 and 27 February 2022.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|--|--------------|--|----------------------------|
| 1 | E/19/00268 | C/21/3278485 | Silver Birches, Nettleden Road North, Little Gaddesden | Written Representations |
| | Date of Decision: | | 21/02/2022 | |
| | Link to full decision: | | | |
| | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3278485 | | | |
| | Inspector's Key conclusions: | | | |
| | <p>A retrospective planning application for the retention of the change of use of the barn to a residential dwelling, and extension with a dormer and modifications to openings was made in 2019. Permission was refused [leading to the service of the Enforcement Notice and then this appeal].</p> <p>I find no defect with the service of the notice, which was served on the owner of the land and complies with the requirements of s.172(2). The appeal on ground (e) therefore fails.</p> <p>A separate ancillary building of the sort that is suggested might for instance consist of a bedroom with shower facilities and perhaps the possibility to make a cup of tea. However, the barn is now a three bedroom house with all the facilities necessary for day to day life. It has its own demarcated garden, access drive and parking area. Irrespective of who lives in the house, as a matter of fact and degree I consider the barn has become a separate dwellinghouse, quite distinct from the original bungalow. It now constitutes a separate planning unit. Had a ground (b) appeal been made, on the balance of probabilities it would have failed.</p> <p>The building can barely be seen from the road given the length and slight curvature of the drive, an intervening brick and timber shed and overhanging trees. When the gates on the drive are closed it is not seen at all from normal viewpoints on the road. It is well screened from sites on the other sides by dense tree planting. I consider the building has virtually no visual impact on the surrounding area.</p> <p>In this context [AONB] the brick and weatherboarding of the barn are to my mind quite suitable for this site. The crown roof form on the other hand is a modern introduction that is somewhat unsympathetic. However, the scale is such that it is not a dominating feature of the site and given the secluded nature of the barn and the greater dominance of large trees I do not consider it causes harm in terms of the character or appearance of the area.</p> <p>The Atlas cedar is indeed a very fine mature [TPO] specimen. Given that the barn and the tree have subsisted together for many years it is unlikely that alterations to the barn will have harmed the root structure of the tree, or that this might happen in the future. Furthermore the separating distance makes it relatively unlikely there will be future applications for lopping, or more seriously for felling.</p> | | | |

| | |
|--|--|
| | I conclude that the appeal should succeed on ground (a) and planning permission will be granted. |
|--|--|

6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 01 January 2022 and 27 February 2022.

None.

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2022 (up 27 February 2022).

| APPEALS LODGED IN 2022 | |
|-------------------------------|----|
| PLANNING APPEALS LODGED | 12 |
| ENFORCEMENT APPEALS LODGED | 1 |
| TOTAL APPEALS LODGED | 13 |

| APPEALS DECIDED IN 2022 (excl. invalid appeals) | TOTAL | % |
|--|--------------|----------|
| TOTAL | 19 | 100 |
| APPEALS DISMISSED | 10 | 52.6 |
| APPEALS ALLOWED | 8 | 42.1 |
| APPEALS PART ALLOWED / PART DISMISSED | 1 | 5.3 |
| APPEALS WITHDRAWN | 0 | 0 |

| | TOTAL | % |
|---|--------------|----------|
| APPEALS DISMISSED IN 2022 | | |
| Total | 10 | 100 |
| Non-determination | 0 | 0 |
| Delegated | 10 | 100 |
| DMC decision with Officer recommendation | 0 | 0 |
| DMC decision contrary to Officer recommendation | 0 | 0 |

| APPEALS ALLOWED IN 2022 | TOTAL | % |
|--------------------------------|--------------|----------|
| Total | 8 | 100 |
| Non-determination | 0 | 0 |
| Delegated | 7 | 87.5 |

| | | |
|---|---|------|
| DMC decision with Officer recommendation | 0 | 0 |
| DMC decision contrary to Officer recommendation | 1 | 12.5 |

6.10 UPCOMING HEARINGS

| No. | DBC Ref. | PINS Ref. | Address | Date |
|-----|----------------|--------------|---|-------------|
| 1 | 19/02588/MFA | W/21/3275429 | Lilas Wood Wick Road Wigginton | 18 May 2022 |
| 2 | E/21/00041/NPP | C/22/3290614 | The Old Oak, Hogpits Bottom, Flaunden | tbc |

6.11 UPCOMING INQUIRIES

| No. | DBC Ref. | PINS Ref. | Address | Date |
|-----|----------|-----------|---------|------|
| 1 | | | | |

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 01 January 2022 and 27 February 2022.

None.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 01 January 2022 and 27 February 2022.

| No. | DBC Ref. | PINS Ref. | Address | Procedure |
|-----|--------------|--------------|--|----------------------------|
| 1 | 20/02947/DRC | W/21/3271893 | Berry Farm, Upper Bourne End Ln, Hemel Hempstead | Written Representations |

| | | | | |
|------------|---|---|--|----------------------------|
| | Date of Decision: | 26/01/2022 | | |
| | Link to full decision: | | | |
| | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3271893 | | |
| | Inspector's Key conclusions: | | | |
| | <p>The basis for this application for costs largely rests on the premise that the Council behaved unreasonably in refusing the discharge of condition application. However, as explained in my appeal decision, the proposed landscaping details involve a layout that is very different from the approved scheme1 , and accordingly the proposed landscaping scheme would not fall within the terms of the existing planning permission. Hence, the Council acted reasonably in this regard, providing clear reasons for doing so.</p> <p>Reference has been made to the potential for further information to have been provided by the applicant to the Council, but considering the extent of the changes proposed, it is unlikely that such further details would have changed the Council's conclusions. Mention has also been made of planning permission Ref 20/04045/DRC but as no plans or drawings have been provided it is not clear whether that permission is sufficiently comparable with the proposal. Accordingly, neither of these matters indicate that the Council acted unreasonably.</p> <p>The applicant has referred to the conduct of the Council during the processing of the planning application. However, the PPG states that costs cannot be claimed for the period during the determination of the planning application and can only be claimed for unnecessary or wasted expense at the appeal2 . In any event, notwithstanding the alleged lack of contact from the Council, the Council were correct to refuse the planning application, meaning that no unnecessary or wasted expense has occurred and an appeal would have been the next route to seek resolution.</p> | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 2 | 20/02945/ROC | W/21/3271898 | Berry Farm, Upper Bourne End Ln, Hemel Hempstead | Written Representations |
| | Date of Decision: | 26/01/2022 | | |
| | Link to full decision: | | | |
| | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3271893 | | |
| | Inspector's Key conclusions: | | | |
| | [The above Decision Letter encompassed this application for costs also]. | | | |
| No. | DBC Ref. | PINS Ref. | Address | Procedure |
| 3 | 21/00535/FUL | W/21/3274477 | Land SW Rosewood, Shootersway Lane, Berkhamsted | Written Representations |
| | Date of Decision: | 31/01/2022 | | |
| | Link to full decision: | | | |
| | | https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274477 | | |
| | Inspector's Key conclusions: | | | |
| | The appellant is of the view that in changing their assessment of the | | | |

proposal between the issuing of pre-application advice and the submission of the planning application, the Council demonstrated unreasonable behaviour. This behaviour caused the application to be refused rather than approved, thereby necessitating the preparation of the appeal. Had the Council been consistent in their advice, it is the view of the appellant that the need for the appeal would not have arisen. In response, the Council point to the fact that pre-application advice is not binding on future decisions and that following the application, a more thorough site visit was undertaken.

It is unfortunate that the position of the Council changed following the submission of the pre-application request. In seeking pre-application advice, the appellant could reasonably expect that this would give a degree of certainty for the outcome of a subsequent planning application. However, although I have found against the Council in my main decision, I am satisfied that the Council have articulated why the change in view came about. In my judgement, they have also presented a suitably substantiated case in support of their decision. Moreover, based on the evidence before me, I am satisfied that the change in position was suitably communicated with the appellant prior to the decision being made.

Consequently, although the appellant may consider the change in position to represent unreasonable behaviour, in my view, it has not given rise to an unnecessary appeal. The Council's decision was not based on vague, generalised or inaccurate assertions about the proposal's impact and there is nothing to suggest that had negative pre-application advice been received, an appeal would not have been pursued.