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DEVELOPMENT MANAGEMENT

AGENDA

THURSDAY 23 JUNE 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 Douris
Councillor C Wyatt-Lowe	Councillor Williams
Councillor Beauchamp (Vice-Chairman)	Councillor Hollinghurst
Councillor Durrant	Councillor Stevens
Councillor Hobson	Councillor Tindall
Councillor Maddern	Councillor Riddick
Councillor McDowell	

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.

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- (c) 22/00603/FUL - Retention of a storage building - Land to the rear of 76-78 Belswains Lane, Hemel Hempstead, Hertfordshire (Pages 45 - 52)
- (d) 22/01583/NMA - Non Material Amendment to planning permission 21/04265/ROC (Variation of condition 2 (approved plans) attached to planning permission 4/00726/17/FUL for 2 x 3 bed dwellings - Land to the rear of 76-78 Belswains Lane, Hemel Hempstead, Hertfordshire (Pages 53 - 57)
- (e) 22/00849/UPA - Additional storey to a maximum height of 8.3m with 4 windows to front and 2 to rear - 1 The Orchard Kings Langley, Hertfordshire (Pages 58 - 69)
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Agenda Item 5a

ITEM NUMBER: 5a

21/01095/FUL	Proposed conversion of existing farmhouse to provide four number dwellinghouses with associated parking.	
Site Address:	Newground Farm House Tring Road Tring Hertfordshire HP23 5FR	
Applicant/Agent:	Bevangrace Ltd.	Derek Kent Associates
Case Officer:	James Gardner	
Parish/Ward:	Wigginton Parish Council	Aldbury & Wigginton
Referral to Committee:	Contrary views of parish council	

1. RECOMMENDATION

1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

2. SUMMARY

2.1 The application site is located within the Green Belt which is an area of development restraint. However, the proposal is acceptable on the basis that the extensions would not result in a disproportionate additions over and above the size of the original building, and that the re-use of the building would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

2.2 Although within the Chilterns Area of Outstanding Natural Beauty, the extensions are considered to be sympathetic and would not be harmful to the natural beauty of the area.

3. SITE DESCRIPTION

3.1 The application site is located to the north of Tring Road and comprises of a two-storey brick-built former Farm House, which is believed to have been constructed during the interwar period.

4. PROPOSAL

4.1 Planning permission is sought for the construction of single-storey extensions and the conversion of the Farm House into four self-contained dwellings along with associated amenity areas and parking.

5. PLANNING HISTORY

Planning Applications

20/03242/FUL - Demolition of existing single storey extension and conversion of existing farmhouse to provide five no. houses with associated parking.
WDN - 15th December 2020

4/01894/18/ROC - Variation of condition 2 (approved plans) attached to planning permission
4/02062/17/MFA- part demolition part conversion and new build to create 10 Dwellings.

4/00581/18/MFA - Part demolition part conversion and new build to create 10 dwellings (revised scheme)
GRA - 31st December 2018

4/02062/17/MFA - Part demolition part conversion and new build to create 10 Dwellings.
GRA - 12th March 2018

6. CONSTRAINTS

Special Control for Advertisements: Advert Spec Contr
Area of Archaeological Significance: 23
Area of Outstanding Natural Beauty: CAONB outside Dacorum
CIL Zone: CIL1
Green Belt: Policy: CS5
Parish: Wigginton CP
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
RAF Halton and Chenies Zone: Green (15.2m)
Parking Standards: New Zone 3
EA Source Protection Zone: 1
EA Source Protection Zone: 2
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 Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004) (Saved Policies)

Relevant Policies:

Dacorum Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The 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
CS35 – Community Infrastructure Levy

Dacorum Local Plan

Policy 97 – Chilterns Area of Outstanding Natural Beauty
Appendix 3 – Layout and Design of Residential Areas

Appendix 7 – Small-scale House Extensions

Supplementary Planning Guidance/Documents

Parking Standards Supplementary Planning Document (2020)
Chilterns Building Design Guide (2010)

9. CONSIDERATIONS

Main Issues

The main issues to consider are:

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

Principle of Development

9.1 The application is located within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.2 Policy CS5 of the Dacorum Core Strategy (2013) 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. The policy further goes on to clarify that small-scale development – such as limited extensions to existing buildings and the appropriate reuse of permanent, substantial buildings - is acceptable provided that:

- i. It has no significant impact on the character and appearance of the countryside; and
- ii. It supports the rural economy and maintenance of the wider countryside.

9.3 Paragraph 149 of the National Planning Policy Framework (NPPF) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but then goes on to list a number of exceptions. Of relevance is paragraph 149 (c):

“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”

Whether Proposal Would Result in Disproportionate Addition

9.4 Annex 2 of the NPPF defines the term *original building* as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

9.5 Planning records do not indicate that the dwelling has previously been extended. However, it is clear from historic OS mapping that a two-storey extension was constructed on the northern side of the site in 1960s / 70s, enlarging the dwelling by approximately 100m² (GEA). A single-storey rear extension with a floor area of some 16m² also appears to have been constructed at some point after 1948.

9.6 The amended plans propose the construction of modest single-storey extensions to the rear of the building, and the removal of the 16m² single-storey extension. Subtracting 116m² (the sum total of the pre-existing extensions mentioned above, which do not form part of the original building) from

the existing floor plans gives a floor area of approximately 334m² (GEA), while the proposed floor area would be in the region of 460m² (GEA) – equating to an increase of approximately 37.72%. The increase would be 45.51% when comparing the original and proposed footprint.

9.7 The NPPF provides no specific definition of what is and is not a disproportionate addition, as this is essentially a matter of planning judgement based on the specific circumstances of each case. This notwithstanding, floor area, footprint and volume are helpful tools in forming a judgement as to proportionality. Volume is considered to be of more relevance where the proposed development is of two-storey construction or involves alterations to the roof.

9.8 Consideration also needs to be given to the provision of the sheds in the rear gardens of the respective units. In the case of *Sevenoaks District Council v Secretary of State for the Environment and Dawe* [1997], it was held that whether an outbuilding is treated as an extension to the dwelling is a matter of planning judgement. This is of particular relevance in the Green Belt where national policy does not specifically refer to outbuildings as being appropriate development. Having had regard to the close spatial relationship between the sheds and the dwellings, and the fact that they are likely to be used for storage of household goods and / or garden equipment, it is considered reasonable to recognise them as domestic adjuncts. It follows, therefore, that they would constitute an appropriate form of development; subject, that is, to the cumulative increase not being disproportionate.

9.9 According to drawing no. 1970/20/E, the sheds would have a combined floor area / footprint of around 27m², which then needs to be added to the figure of 460m² already referred to above. This would result in a total floor area of 487m² (or a 45.8% increase on the original). On balance, it is considered that this would not be disproportionate. Should Members take an alternative view, it is important to note that a similar or greater level of extension could be achieved by utilising permitted development rights. Accordingly, while a case for very special circumstances is not being advanced, it is considered that any harm to the Green Belt would be outweighed by the possibility of PD rights being utilised, which appears to be a reasonable prospect. Furthermore, the proposed development would also add three new dwellings to the borough's housing stock and bring an underutilised building back into full productive use.

Whether Proposal Would Preserve Openness of Green Belt

9.10 Paragraph 150 of the National Planning Policy Framework (NPPF) states that the re-use of buildings of permanent and substantial construction is appropriate in Green Belt terms provided it would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

9.11 In terms of whether the building is of permanent and substantial construction, it is noted that New Ground Farmhouse is a large brick-built dwelling which has existed since the inter-war period. It is clear, therefore, that, at almost 100 years old, it is of permanent and substantial construction.

9.12 It has been established that 'openness of the Green Belt' comprises both a visual and spatial element (*Turner v Secretary of State for Communities and Local Government* [2016]).

9.13 Case law (*Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC* [2018]) confirmed that "whether the development would 'preserve' the openness of the Green Belt" does not mean that a proposal can only be regarded as 'not inappropriate in the Green Belt' if the openness of the Green Belt would be left entirely unchanged; rather, the verb 'preserve' should be understood in the sense of "keep safe from harm" – rather than "maintain (a state of things)".

9.14 In terms of the factors which can be taken into account when considering the potential impact of development on the openness of the Green Belt, the National Planning Practice Guidance (NPPG),

drawing on principles established by the courts in site-specific circumstances, identifies a number of matters which may need to be taken into account when forming a judgement. These include, but are 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 remediability – 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

9.15 It is noted that the subdivision of the current dwelling into 4 dwellings (a net increase of 3) would almost certainly increase the intensity of the residential use of the site. That said, the unit sizes are relatively modest, with only one dwelling (Unit 3) having more than two bedrooms. Domestic paraphernalia could effectively be limited by the removal of permitted development rights for outbuildings, and in the main, parking provision would be provided on the existing hard-surfaced areas of the site and shielded from wider Green Belt views. The new areas of hardstanding would be built at ground level and would not therefore result in any substantial physical built form above the existing surface. Furthermore, owing to existing mature landscaping and the set back from the road, the additional hardstanding would not be visible from either the A4251 or the wider Green Belt. In spatial terms, it is not considered that the additional areas of hardstanding would be harmful to the openness of the Green Belt owing to their limited total extent (approximately 115m²). Furthermore, given the inherent remediability of such works, they are not considered to be harmful and would ultimately preserve the openness of the Green Belt.

9.16 The second element that needs to be considered is whether the development would conflict with the purposes of including the land in question within the Green Belt.

9.17 Paragraph 138 of the NPPF state that the Green Belt serves five purposes:

- a. To check the unrestricted sprawl of large built-up areas;
- b. To prevent neighbouring towns merging into one another;
- c. To assist in safeguarding the countryside from encroachment;
- d. To preserve the setting and special character of historic towns; and
- e. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.18 Full consideration has been given to the above points. The re-use of the existing building would not result in the unrestricted sprawl of a large built-up area, would not result in neighbouring towns merging into one another; would not be at odds with safeguarding the countryside from encroachment (the application site is considered to be PDL); there are no historic towns in close proximity to the application site; and would not prejudice the recycling of derelict and other urban land.

9.19 Accordingly, the re-use of the New Ground Farm House and its re-purposing as four new dwellings is considered to preserve the openness of the Green Belt and, furthermore, would not conflict with the purposes of including land within the Green Belt.

CS5 Impact Assessment

9.20 Policy CS5 of the Dacorum Core Strategy requires an assessment to be made as to whether proposed development would have a significant impact on the character and appearance of the countryside, while requiring development to support the rural economy.

9.21 In terms of the first bullet point, it is important to note that that “significant impact” is a high bar. In this context, “significant” is taken to mean *relatively large in amount or quantity* (<https://www.dictionary.com/browse/significant>). However, in having regard to the impact of any development, it must be right that the existing state of affairs be taken into account and form a baseline against which subsequent development will be judged.

9.22 Therefore, given the modest nature of the extensions and their single-storey construction, and the relatively limited level of additional hardstanding required to facilitate the use of the site for four dwellings, it is not considered that the proposal would have a significant impact on the character and appearance of the countryside.

9.23 It is considered that some modest benefits would accrue to the rural economy during the construction process. Indeed, it is not unreasonable to assume that local contractors would be used to construct the extensions; or, failing this, that materials would be sourced from local providers.

9.24 In summary, the development is in full accordance with Policy CS5.

Conclusion

9.25 There are two distinct elements to the Green Belt assessment in respect of this application. Firstly, whether the proposed extensions would be proportionate and thus fall within the ambit of paragraph 149 of the NPPF. Secondly, whether the re-use of the existing on-site building would preserve the openness of the Green Belt and conflict with the purposes of including land within it.

9.26 In terms of the first element, following a comparison of the size of the original building; that is, the building as it existed on 1 July 1948, and the size it would be should this application be approved, it is considered that the extensions over and above the size of the original building would not be disproportionate. As such, they would represent appropriate development in the Green Belt.

9.27 Turning to the question of whether the re-using the building would preserve the openness of the Green Belt and conflict with the purposes of including land within it, regard has been had to the ability of the local planning authority to remove permitted development rights for extensions / outbuildings and alterations and the limited areas of additional hardstanding, most of which would not be visible, needed to facilitate the re-use of the building. In summary, as a matter of planning judgement, it is considered that the openness of the Green Belt would be preserved and that there would be no conflict with the purposes of including land within it. It follows that the second element of the Green Belt assessment would also be acceptable.

Quality of Design / Impact on Visual Amenity

9.28 Policies CS11 and CS12 of the Dacorum Core Strategy seek to ensure that, inter alia, development preserves attractive streetscapes, avoids large areas dominated by car parking, integrates with the streetscape character, and respects adjoining properties in terms of layout, scale, height etc.

9.29 Appendix 7 of the Dacorum Local Plan, meanwhile, provides more specific design guidance in respect of extensions to existing dwellings. In particular, it states that extensions should harmonise with the original character and appearance of the house in terms of scale, roof form, window design and external finishes.

9.30 The elevations of the extensions are shown on drawing nos. 1970/24a and 1970/25a. Matching brick and roof tiles are proposed to be utilised, which is welcomed and considered appropriate. The roofs of the extensions are predominantly of hipped construction and would thus respect the design of the main roof. In addition, the variation in the heights of the roofs of the extensions would provide some welcomed variation and be in keeping with the a-symmetric form of the existing rear elevation.

9.31 The extensions are located to the rear of the site and would not be visible from the public realm so would have no discernible impact on the street scene.

9.32 In terms of the general quality of the design, the plans originally submitted in support of this application were amended. The plans before Members are the outcome of discussions between the Planning Officer and the agent. By way of background, concerns were raised regarding the outlook from the sitting room and bedroom of Unit C; which, as a result of the unfavourable aspect and the close proximity of a large two-storey projection (and existing single-storey projection), would have been poor, contrary to paragraph 130 of the NPPF. Furthermore, concerns were raised in respect of Unit B, whose ground floor largely consisted of circulation space. In response, the current plans have been amended as follows:

Unit B Extension altered to single-storey and repositioned, taking it 1.5m away from the boundary with Unit C. Depth reduced from 3.6m to 3m. Internal layout changed to introduce a breakfast room at ground floor, thus providing a larger hall with coats, staircase and WC; at first floor the bedroom has been repositioned and the unit reduced from a 3-bed to 2-bed.

Unit C Existing single storey extension repositioned and replaced with an extension to the kitchen of 1.8m, lining up with the existing exterior wall to Units A & B. Addition of a 1m deep single storey extension to the living room. These, together with the reductions to Unit B, ensure the outlook from the living room and bedrooms of Unit C is not interfered with.

9.33 It is considered that the amendments referred to above have addressed the issues regarding the quality of the development for future occupiers.

Impact on Chilterns Area of Outstanding Natural Beauty

9.34 The site is located within Chilterns Area of Outstanding Natural Beauty (AONB); therefore, in addition to the high design standards sought by the NPPF, as well as the guidance found in Appendix 7 of the Dacorum Local Plan, a higher standard of design is ultimately required.

9.35 Paragraph 176 of the NPPF advises that great weight should be given to conserving and enhancing Areas of Outstanding Natural Beauty, which are stated to have the highest status of protection.

9.36 Section 85 (1) of the Countryside and Rights of Way Act put a legal requirement on public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the area.

9.37 Local planning policy – i.e. Policy CS24 of the Dacorum Core Strategy - requires development to have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan and to support the principles set out within the Chilterns Building Design Guide. Policy 97 of the Dacorum Local Plan also remains relevant and advocates the sympathetic siting and design of structures, with colours and materials fitting in with the traditional character of the area.

9.38 The Chilterns Building Design Guide does not provide any specific advice on extensions to existing dwellings; rather, its primary focus is on achieving sympathetically-designed new

development, as well as ways in which redundant farm buildings can be converted. The guidance in Policy 97 is therefore more relevant.

9.39 New Ground Farm House is not the archetypal Chilterns building, being fairly substantial in scale, not utilising red brick and opting for the use of the far less common hipped roof as opposed to a gable roof. In order to avoid incongruity, it is considered that, rather than attempt to employ materials more traditional to the Chilterns, the use of matching materials would be more appropriate. This is what is proposed by the application.

9.40 As the site is already in a residential use - unlike, say, a barn, stable or other redundant rural building – the proposed development would not change the character of this part of the AONB to any appreciable degree. It is acknowledged that, in certain isolated areas, the domestication of a site could be harmful to the local character. Although the intensity with which the site is used will increase, the proposal as a whole is modest and would not harm the special qualities of the AONB.

Amenity Space

9.41 In accordance with Appendix 3 of the Dacorum Local Plan, all residential development is required to provide private open space for use by residents whether the development be houses or flat, with private gardens normally being positioned to the rear of the dwelling and having an average minimum depth of 11.5 metres. The proposed block plan indicates that the gardens of the new dwellings would all have garden depths in excess of 15 metres. What is more, the widths are such that the gardens could be used for a range outdoor pursuits.

9.42 Overall, the level of amenity space is considered acceptable and would provide a good level of amenity for future residents.

9.43 Should planning permission be granted, a condition will be included to require the garden areas to be provided prior to first occupation of the dwellings.

Conclusion

9.44 Pursuant to Section 85 (1) of the Countryside and Rights of Way Act, it is considered that the proposal would conserve the natural beauty of the Chilterns Area of Outstanding Natural Beauty.

9.45 The proposal would also accord with Policies, CS11, CS12 and CS24 of the Dacorum Core Strategy and Policy 97 and Appendix 3 of the Dacorum Local Plan.

Impact on Residential Amenity

9.46 Policies CS12 of the Dacorum Core Strategy seeks to ensure that, amongst other things, development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.47 Appendix 3 of the Dacorum Local Plan states that minimum distances of 23m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy, and that this distance may be increased depending on character, level and other factors.

9.48 The windows on the rear elevation would face the side elevation of no. 4 Chiltern Hills Close and the rear elevation of no. 2 Chiltern Hills Close. This is a pre-existing relationship which would not be materially altered by the proposal: although extensions are proposed, these are at ground floor level only and, as a result, would not result in any greater degree of overlooking. For the sake of thoroughness, however, the distance between the first floor of New Ground Farm House and the aforementioned dwellings in Chiltern Hills Close is approximately 37m and 42m, respectively. Whilst it is true that built development at ground floor level would move marginally closer to the dwellings in

Chiltern Hills Close, a substantial distance would remain and views would continue to be circumscribed by intervening features such as boundary fencing.

9.49 The development would therefore comply with Policy CS12 of the Dacorum Core Strategy and Appendix 3 of the Dacorum Local Plan.

Impact on Highway Safety and Parking

9.50 Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon:

- the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; and
- the environmental and safety implications of the traffic generated by the development.

9.51 Policy CS12 of the Dacorum Core Strategy states that development should, amongst other things provide a safe and satisfactory means of access for all users and provide sufficient parking and sufficient space for servicing.

Highway Safety / Capacity

9.52 The Highway Officer has confirmed that the visibility splay shown on drawing number 1970/SL-A is acceptable.

Manoeuvrability

9.53 Swept path analysis (see drawing no. 21.93 – 001 Rev. A) indicated that a 10.2m vehicle would not have been able to successfully turn within the site without striking an existing fence. In response, the existing gravelled access is now proposed to be widened by approximately 0.25m in one section and the fence re-located, thereby ensuring sufficient manoeuvrability within the site.

9.54 It is also noted that the existing access is to be widened in order to facilitate the refuse freighter turning area. It is recommended that a condition requiring the access to be widened prior to first occupation of the new units be included with any grant of planning permission.

Parking Provision

9.55 The Parking Standards Supplementary Planning Document was formally adopted on 18th November 2020 and advocates the use of a 'parking standard' (rather than a maximum or minimum standard), with different levels of standard in appropriate locations and conditions to sustain lower car ownership.

9.56 Section 6 of the Parking Standards Supplementary Planning Document states that:

The starting principle is that all parking demand for residential development should be accommodated on site; and the requirements shown are 'standards' - departures from these will only be accepted in exceptional cases, when appropriate evidence is provided by the agent/developer for consideration by the Council, and the Council agrees with this assessment.

....

Different standards for C3 use are provided as set out in the table in Appendix A, based on the three accessibility zones referred to in section 4.8 and shown in Appendix B.

9.57 The application site is located within Accessibility Zone 3 wherein the expectation is that the following parking provision would be achieved:

2 bedrooms	Allocated	1.5
	Unallocated	1.2
3 bedrooms	Allocated	2.25
	Unallocated	1.8

9.58 The proposal would result in the formation of 3 x two bedroom dwellings and 1 three bedroom dwelling, giving rise to parking standard of 7 (6.75 rounded the nearest whole number).

9.59 Drawing no. 1970-20 E indicates that a total of 12 car parking spaces are to be provided – eight for the dwellings and four for visitors. As per the Parking standards SPD, since the level of parking provision is in excess of the standard, the overprovision should be justified.

9.60 The Parking Standards SPD is clear that the departures from the standard should be the exception and robustly justified by way of reference to one or more of the seven exceptions set out at paragraph 6.10 of the document. However, none of the exceptions appear to be relevant to a situation where there would be an overprovision of parking.

9.61 In this instance, given the distance of the application site from the nearest shops and services, and the relatively hostile pedestrian environment, it is considered that a convincing argument can be made for overprovision of parking on this occasion.

Electric Vehicle Charging

9.62 The Parking Standards SPD required the provision of one active charger for each residential dwelling.

9.63 Whilst it is acknowledged that the site plan refers to vehicle charging points being made available to spaces A1, B1, C1 & D1, no details have been provided as to the specific chargers proposed to be used. As there is a minimum standard for chargers, this is a matter that requires further clarification.

9.64 It is recommended that a condition requiring details of EV charging provision be included with any grant of planning permission.

Other Material Planning Considerations

Chiltern Beechwood Special Area of Conservation

9.65 Following a letter from Natural England on the 14th March and publication of the Footprint Ecology Report, the Council is unable to grant permission for planning applications which result in a net gain of dwellings located within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC) until an appropriate assessment of the scheme can be undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.

9.66 The Council is working with Natural England and other relevant partners to agree a mitigation strategy and, once adopted, this will enable the Council to carry out their legal duties and grant residential development in the Borough. Once adopted, the mitigation strategy is likely to require financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

9.67 However, at this time, in the absence of a mitigation strategy, there is insufficient evidence to allow the Council to rule out that the development would not cause additional reactionary pressure to the CBSAC and that its impacts, whether alone or in combination, could be avoided or mitigated so as to ensure that the integrity of the SAC would be preserved. However, the council should continue to work pro-actively in reaching a resolution on planning applications subject to securing the above.

9.68 Therefore, should Members be minded to approve the application, it is proposed that the decision be held in abeyance until such time as a mitigation strategy has been agreed and the Council can thereafter satisfy its legal duties under the Conservation of Habitats and Species Regulations 2019 (as amended).

Contaminated Land

9.69 The Council's Scientific Officer has not recommended the inclusion of any contaminated land conditions.

Road Noise

9.70 The Council's Environmental Health Officer has identified a potential issue with regard to excessive noise and disturbance from the nearby A41 and A4251 and has recommended the inclusion of a condition requiring the submission of an acoustic assessment and the installation of appropriate mitigation prior to first occupation of the new units. Should planning permission be granted, it is recommended that an appropriately worded condition be included.

Archaeology

9.71 The County Archaeologist has confirmed that, given the size of the extensions, it is considered unlikely that there would be significant impact on heritage assets of archaeological value.

Impact on Trees and Landscaping

9.72 There would be no significant impacts.

Community Infrastructure Levy (CIL)

9.73 For proposals which involve the conversion of a single dwelling into multiple dwellings and include the creation of additional floor space through the construction of extensions, CIL would be charged on the net uplift in floor space. This application would, therefore, be liable for CIL.

Planning Obligations

9.74 As outlined in the Chiltern Beechwood section of the report above, should Members resolve to grant planning permission, it is recommended that this be on the basis that a financial contribution in respect of ecological mitigation is secured by way of a legal agreement.

10. CONCLUSION

10.1 The development has been assessed against Green Belt policy and is considered to be appropriate development.

10.2 The proposed extensions are sympathetic to the character and appearance of the dwelling and the Chilterns AONB.

10.3 Parking provision is in excess of what would ordinarily be required; however, as the application site is not highly sustainable, on balance, it is considered that an argument can be made in favour of greater levels of parking.

10.4 All the residential dwellings would have a level of private amenity space commensurate with their size.

10.5 Having considered the potential impact on the nearest residential dwellings at Chiltern Hills Close, it is considered that they would not suffer any adverse effects in respect of residential amenity if this development were to proceed.

10.6 In terms of highway safety, the Highway Authority have confirmed that they have no objections subject to the inclusion of two conditions – one relating to the retention of visibility splays, and the other in relation to a Construction Management Plan. The visibility splay condition cannot be included, since this would not meet the test of enforceability and is not necessary: the visibility splay extends across land not in the applicant's ownership for a considerable distance and, secondly, the only way in which the splay could conceivably be impinged upon would be if the boundary fence were re-positioned hard up to the highway. This would, in and of itself, require planning permission and would be unlikely to be approved.

10.7 Subject to a condition requiring acoustic mitigation, acceptable levels of amenity can be achieved for future occupiers.

11. RECOMMENDATION

11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

Conditions and Reasons:

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

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

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

**1970/20E
1970/21A
1970/23A
1970/24A
1970/25A**

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

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

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

4. **The access and parking arrangements shown on drawing no. 1970/20E shall be provided in full prior to first occupation of the residential units hereby approved and thereafter permanently retained.**

Reason: To ensure an acceptable level of parking and in the interests of highway safety, in accordance with Policy CS12 of the Dacorum Core Strategy (2013), the Dacorum Parking Standards SPD (2020) and Policy 51 of the Dacorum Local Plan (2004).

5. **Notwithstanding the details shown on drawing no. 1970/20E, the dwellings hereby approved shall not be occupied until details of the layout and siting of Electric Vehicle Charging Points (including the specific specification), and any associated infrastructure have been submitted to and approved in writing by the local planning authority.**

The development shall not be occupied until the Electric Vehicle Charging Points have been provided in accordance with the approved particulars.

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).

6. **a) The dwellings hereby approved shall not be occupied until a noise assessment and report has been submitted to and approved in writing by the local planning authority. The report shall include a scheme for the sound insulation of the development including walls, roof, glazing and associated ventilation and provision for the protection of external amenity spaces as necessary. The scheme shall demonstrate compliance with the levels detailed in table 4 detailed in section 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. Any works which form part of the scheme shall be completed in accordance with the approved details before the dwellings are occupied.**

b) The ventilation system shall meet the minimum background ventilation requirements of the Building Regulations 2000 Approved Document F "Ventilation". The system should also take account of the Association of Noise Consultants, Acoustics Ventilation And Overheating Residential Design Guide Jan 2020 Version 1.1

Reason: To ensure that residents of the dwellings are afforded an acceptable level of amenity and protected from noise and disturbance, in accordance with Paragraphs 130 (f), 174(e) and 185 (a) of the National Planning Policy Framework.

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

The Construction Management Plan / Statement shall include details of:

- a) Construction vehicle numbers, type, routing;**
- b) Access arrangements to the site;**

- c) Traffic management requirements;
- d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) Phasing Plan.

Reason: In the interests of highway safety, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

8. **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:**

Schedule 2, Part 1, Class E

Reason: To enable the Local Planning Authority to preserve the openness of the Green Belt by preventing the unrestricted proliferation of residential outbuildings pursuant to paragraph 150 of the NPPF.

9. **Prior to the construction of the sheds identified on drawing no. 1970/20/E, metrically scaled floor plans and elevations of the respective sheds shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11, CS12 and CS24 of the Dacorum Core Strategy (2013).

10. **Prior to first occupation of the dwellings hereby approved, the rear / side amenity areas shall be provided and laid out in accordance with drawing no. 1970/20E and thereafter permanently retained.**

Reason: In order to ensure that the dwellings have (and retain) retain sufficient amenity space, in accordance with Policy CS12 of the Dacorum Core Strategy and saved Appendix 3 of the Dacorum Local Plan.

11. **Notwithstanding the details shown on drawing no. 1970/20E, no construction above slab level 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:**

- all external hard surfaces within the site;

- other surfacing materials;
- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
- retained historic landscape features and proposals for restoration, where relevant.

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 3 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).

12. **Notwithstanding details shown on approved plans, no development shall take place until full details of trees to be retained and measures for their protection during construction have been submitted to and approved in writing 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).

Informatives:

1. 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.
2. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

3. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
4. Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

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

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

5. 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.
6. Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
7. Contaminated Land Informative 1:

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.

Contaminated Land Informative 2:

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	OPPOSE - As per the previous application, access is coming off a fast road, on a bend with no passing lane.
Parish/Town Council	Objection.
Thames Water	<p>WASTE:</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</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. 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>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:</p> <p>If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid</p>

	<p>potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.</p> <p>The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at https://www.gov.uk/government/publications/groundwater-protection-position-statements) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p>
Hertfordshire Property Services (HCC)	<p>Thank you for your email regarding the above mentioned planning application.</p> <p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision.</p> <p>I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.</p>
Hertfordshire Highways (HCC)	<p>The proposal is for the proposed conversion of existing farmhouse to provide four number dwellinghouses with associated parking at Newground Farm House, Tring Road, Tring. Tring Road is a 60 mph principle A main distributor route. As Tring road is a 60 mph main distributor route, there is a few</p>

	<p>things that HCC Highways need clarifying before any recommendation is made. I would start by noting that new access onto main distributor routes are not permitted as per guidance within HCC Design guide section 4. However, the proposal has an existing access onto Tring Road which was for one dwelling. The new proposal is for 4 dwellings which considering the adjacent highway and existing guidelines is considered an intensification of the previous access. Therefore, I would like to draw your attention to DMRB stating that 60 mph routes need a visibility splay of 4.5 m x 215 metres either side. This will need to be illustrated for the existing access owing to the increase of dwellings for the existing access. There is concerns that currently the access is inadequate for the adjacent highway network and therefore these concerns will need to be addressed.</p> <p>HCC Highways has additional concerns regarding if large vehicles such as fire appliances and refuge vehicles can manoeuvre on site to enter and exit the highway network in forward gear which is required. From drawing 1970/20 there is concerns that when all cars are parked, the manoeuvre of a 11 metre fire appliance cannot be achieved. Therefore, HCC Highways requires a swept path for a fire appliance to ensure that large vehicles can manoeuvre on site as per HCC Design guide. Once these have been provided to HCC Highways, then we can fully investigate the site and give a recommendation to Dacorum Borough Council</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the documents submitted in support of the above application and the ECP Team records I am able to confirm that there is no objection to the proposed development and no requirement for land contamination conditions.</p> <p>Given that the application site is a brownfield site, albeit an existing residential property, it is recommended that the following land contamination informatives are included on any permission that might be granted.</p> <p>Contaminated Land Informative 1: In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:</p>

	<p>Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p> <p>Please let me know if you have any questions about this advice.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Thank you for your consultation on the above planning application. I have reviewed the details and information provided. I understand the application is for the conversion of existing farmhouse to provide four number dwelling houses with associated parking.</p> <p>The site is close to the A41 and A4251, reference to DEFRA's strategic noise maps indicates that the development site is within 60-65dB LAeq,16hour day and 50-60dB LAeq,8hour night- time road traffic noise contours and therefore, will be subject to relatively high levels of transportation noise impact.</p> <p>It is considered that internal noise can be mitigated through design and building construction, external amenity spaces are likely to above guideline levels and therefore the development should be designed to achieve the lowest practicable noise levels in these external amenity spaces.</p> <p>I therefore do not have any in principle objections subject to the following condition being attached to any consent which may be granted.</p> <p>Noise Protection Scheme</p> <p>a) Prior to the first occupation of the proposed development, a noise assessment and report shall be submitted to and approved by the LPA. The report shall include a scheme for the sound insulation of the development including walls, roof, glazing and associated ventilation and provision for the protection of external amenity spaces as necessary.</p> <p>The scheme shall demonstrate compliance with the levels detailed in table 4 detailed in section 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. Any works which form part of the scheme shall be completed in accordance with the approved details before the dwellings are occupied"</p> <p>b) BS8233 also recommends that regular individual noise events can cause sleep disturbance.. Noise events (measured with F</p>

	<p>time-weighting should not normally exceed 45dB LAmax several times in any one hour during the night (23.00-07.00)</p> <p>c) The ventilation system shall meet the minimum background ventilation requirements of the Building Regulations 2000 Approved Document F "Ventilation". The system should also take account of the Association of Noise Consultants, Acoustics Ventilation And Overheating Residential Design Guide Jan 2020 Version1.1</p> <p>d) Amenity Spaces - The acoustic environment of external amenity should ideally not be above the range 50 - 55dB LAeq,16hr. It will therefore, be necessary to provide further physical mitigation such as an acoustic noise barrier to the communal garden area in order to achieve the lowest practicable noise levels.</p>
<p>Conservation & Design (DBC)</p>	<p>The existing farmhouse appears to have been constructed in the early 20th century probably either just before WW1 or in the early 1920s. It does not appear on the 1901 OS map but is in position in the 1924 map. It is clear from this that a 2 storey extension was constructed to the northern side away from the main road. This does not appear on the 1962 map and therefore presumably dates from the 1960s/ 70s. Although in a matching style it has slightly unbalanced the main façade.</p> <p>We welcome the redesign of the building and believe that it now respects the character of the original building. As such provided that the materials used match existing we would not object to the proposals.</p> <p>Recommendation We would not object to the proposals. External materials and finishes of extensions and alterations to match the existing. Hard and soft landscaping subject to approval.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the documents submitted in support of the above application and the ECP Team records I am able to confirm that there is no objection to the proposed development and no requirement for land contamination conditions.</p> <p>Given that the application site is a brownfield site, albeit an existing residential property, and that there will be a small degree of groundworks to facilitate an extension it is recommended that the following land contamination informatives are included on any permission that might be granted.</p> <p>Contaminated Land Informative 1: In the event that contamination is found at any time when carrying out</p>

	<p>the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p> <p>Please let me know if you have any questions.</p>
Archaeology Unit (HCC)	<p>The current proposal appears to reduce the size of the extension compared with 4/20/3242/FUL. Therefore in this instance given the size of the extension, we consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and we have no comment to make upon the proposal.</p>
Hertfordshire Property Services (HCC)	<p>Response by HCC's Growth & Infrastructure Unit to Proposed conversion of existing farmhouse to provide four number dwellinghouses with associated parking. at Newground Farm House Tring Road Tring Hertfordshire HP23 5FR</p> <p>Thank you for your email regarding the re-consultation on the above mentioned planning application.</p> <p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through</p>

	<p>the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>PLEASE NOTE: For applications including the provision of eleven or more units or the provision of new employment space, please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.</p> <p>I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.</p>
Hertfordshire Highways (HCC)	<p>The proposal is for an amendment regarding the proposed conversion of the existing farmhouse to provide four number dwellinghouses with associated parking at Newground Farm House, Tring Road, Tring. Tring Road is a 60 mph principle A main distributor route. HCC previously commented on this application asking for more information regarding the site. The applicant has provided HCC Highways with drawing 1970/20A (a new site plan) with changes to the location of bin collection and a turning head to allow large vehicles to turn on site. As stated before, owing to the classification and speed of the adjacent highway, HCC Highways deems that the construction of 4 dwellings off of an access for one dwelling is an intensification of use. As such we asked for an illustration of visibility splays measuring 2.4 x 215 metres either side. This has not yet been illustrated on any drawings. We also requested a swept path illustrating that a large fire appliance can turn on site. Although a turning head has been included, there has been no inclusion of a swept path analysis for said large fire appliance.</p> <p>Therefore, HCC Highways would like to reiterate our request for both a swept path and visibility splays for the current access on safety grounds. This access is considered to be an intensification of use considering the 4x more trips associated with 4 dwellings than 1. Therefore, to fully ensure that the site is safe for use, we require the aforementioned plans to make an informed decision.</p>
Parish/Town Council	The Parish Council objects to this planning application based on dangerous access.
Thames Water	<p>Waste Comments</p> <p>Thames Water recognises this catchment is subject to high infiltration</p>

flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

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

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow 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>.

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

Water Comments

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

	<p>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
<p>Conservation & Design (DBC)</p>	<p>We confirm that our previous comments relating to the amended plan and that the proposals are acceptable. We would not object to these proposals. External materials and detailing to match the existing.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>04/05/22</p> <p>With reference to the above planning application, please be advised Environmental Health would like to re-iterate the comments made by a previous colleague Chris Hurst and request that these comments are applied to the current application.</p> <p>APP ref. no. R675858 Planning case no. 21/01095/FUL Property concerned Newground Farm House Tring Hertfordshire HP23 4LW Further details Proposal: Proposed conversion of existing farmhouse</p> <p>Planning officer Mr James Gardner From Chris Hurst Date 22/03/2021</p> <p>Response Summary</p> <p>The site is close to the A41 and A4251, reference to DEFRA's strategic noise maps indicates that the development site is within 60-65dB LAeq,16hour day and 50-60dB LAeq,8hour night- time road traffic noise contours and therefore, will be subject to relatively high levels of transportation noise impact.</p> <p>It is considered that internal noise can be mitigated through design and building construction, external amenity spaces are likely to above guideline levels and therefore the development should be designed to achieve the lowest practicable noise levels in these external amenity spaces.</p>

I therefore do not have any in principle objections subject to the following condition being attached to any consent which may be granted.

Noise Protection Scheme

a) Prior to the first occupation of the proposed development, a noise assessment and report shall be submitted to and approved by the LPA. The report shall include a scheme for the sound insulation of the development including walls, roof, glazing and associated ventilation and provision for the protection of external amenity spaces as necessary. The scheme shall demonstrate compliance with the levels detailed in table 4 detailed in section 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. Any works which form part of the scheme shall be completed in accordance with the approved details before the dwellings are occupied"BS8233 2014: Table 4 - Indoor ambient noise levels for dwellings

b) BS8233 also recommends that regular individual noise events can cause sleep disturbance.. Noise events (measured with F time-weighting should not normally exceed 45dB LAmax several times in any one hour during the night (23.00-07.00)

c) The ventilation system shall meet the minimum background ventilation requirements of the Building Regulations 2000 Approved Document F "Ventilation". The system should also take account of the Association of Noise Consultants, Acoustics Ventilation And Overheating Residential Design Guide Jan 2020 Version1.1

d) Amenity Spaces - The acoustic environment of external amenity should ideally not be above the range 50 - 55dB LAeq,16hr. It will therefore, be necessary to provide further physical mitigation such as an acoustic noise barrier to the communal garden area in order to achieve the lowest practicable noise levels.

However I would also recommend the application is subject to informatives for waste management and construction working hours with Best Practical Means for dust, which we respectfully request to be included in the decision notice.

Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

	<p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p>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> <p>Waste Management Informative</p> <p>Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.</p>
Hertfordshire Property Services (HCC)	<p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure through the appropriate channels. We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p>

	<p>PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.</p> <p>I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit</p>
<p>Hertfordshire Highways (HCC)</p>	<p>04/05/22</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Provision of Visibility Splays - Dimensioned on Approved Plan</p> <p>Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number 1970/SL-A. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.</p> <p>Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2) Construction Management Plan / Statement</p> <p>No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:</p> <ul style="list-style-type: none"> a. Construction vehicle numbers, type, routing; b. Access arrangements to the site; c. Traffic management requirements

- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

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) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN 2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

The proposal is regarding amendments for the proposed conversion of existing farmhouse to provide four number dwellinghouses with associated parking at Newground Farm House, Tring Road, Tring. Tring Road. Tring Road is a 60 mph principle A main distributor route that is highway maintainable at public expense. HCC Highways previously requested more information in relation to the ability for a fire appliance to turn on site and the need for adequate visibility splays for the existing access owing to the intensification of use and the adjacent highway network. These amendments are to the width of the access, route, size of the properties and location of waste storage. All of these

do not impact our previous response and therefore this response will be similar to previous.

Vehicle Access and sustainability

The existing site is accessed via a large access onto the A4251. This access will be used for the 4 new dwellings. The applicant has provided drawings illustrating that adequate visibility can be achieved owing to the intensification of use for the access. The site is opposite a footpath, however, the A4251 at this section is not deemed suitable for pedestrian crossing and as such the development is considered to nearly be 100% private motor car dependent. Cars do have the ability to turn on site to enter and exist the highway network in forward gear. Parking is a matter for the local planning authority and as such any parking arrangements must be agreed by them.

Drainage

The 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 to be collected and disposed of on site.

Refuse / Waste Collection

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

Emergency Vehicle Access

The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellings'. The applicant has provided a 10.2 metre fire appliance swept path illustrating that one can turn on site to enter and exit in forward gear.

Conclusion

HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives and conditions.

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
15	0	0	0	0

Neighbour Responses

Address	Comments
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Agenda Item 5b

ITEM NUMBER: Item 5b

22/00179/FUL	Loft Conversion	
Site Address:	7 Orchard Court, Bovingdon, Hertfordshire, HP3 0SD	
Applicant/Agent:	Paul Fountain	Neil Kaufman
Case Officer:	Jane Miller	
Parish/Ward:	Bovingdon Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Officer recommendation contrary to the views of Bovingdon Parish Council.	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 The application site is located within the large village of Bovingdon wherein the proposed development is acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).

2.2 The overall size, scale and design of the proposed alterations are acceptable, they relate well to the parent dwelling, and would not result in any harm to the character or appearance of the street scene/area. The works are not considered to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light. The dormer window would not result in a significant loss of privacy.

2.3 Furthermore, it is not considered that the scheme would have an adverse impact on the road network or create significant parking stress in the area.

2.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8 CS11, CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

3. SITE DESCRIPTION

3.1 The application site is located in the north western corner of Orchard Court, within a residential area close to the High Street in Bovingdon. The site comprises a first/top floor flat, part of a small development of 8 flats with parking granted under planning reference 4/0740/88.

4. PROPOSAL

4.1 This application seeks permission for a loft conversion with rear dormer.

5. PLANNING HISTORY

Planning Applications:

21/04204/FUL - Loft Conversion
WDN - 10th January 2022

4/00740/88 – Construction of 8 single bedroom flats and car parking
GRA – 23rd June 1988.

Appeals: None

6. CONSTRAINTS

Area of Archaeological Significance: 48

CIL Zone: CIL2

Former Land Use (Risk Zone):

Heathrow Safeguarding Zone: LHR Wind Turbine

Large Village: Bovingdon

Parish: Bovingdon CP

RAF Halton and Chenies Zone: Red (10.7m)

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 (July 2021)

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

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

Relevant Policies

Dacorum Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS29 - Sustainable Design and Construction

Dacorum Local Plan

Appendix 3 – Layout and Design of Residential Areas

Appendix 7 – Small-scale House Extensions

Supplementary Planning Guidance/Documents:

9. CONSIDERATIONS

Principle of Development

9.1 The application site is located within a residential area of the large village of Bovingdon, wherein in accordance with Policy CS4 of the Core Strategy (2013) the principle of residential development is acceptable subject to compliance with the relevant national and local policies. The main issues of consideration relate to the impact of the proposal on the character and appearance upon the existing dwelling house, immediate street scene, residential amenity of neighbouring properties and highway safety.

9.2 Taking the above policies into account, the proposal is acceptable in principle.

Quality of Design / Impact on Visual Amenity

9.3 Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 134 states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents. Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials.

9.4 The proposal would result in a loft conversion with rear dormer. No. 7 Orchard Court is currently a first floor one-bed flat sitting under a dual pitched roof, within which is an existing loft space. It is proposed to create an additional bedroom within the loft space, accessed via a new internal staircase.

9.5 Given its limited size, set in from the boundaries and set up from the eaves it is considered that the dormer window does not appear unduly dominant in terms of bulk, scale and height to the parent building and streetscene and will use sympathetic materials to match existing.

9.6 Therefore it is considered that the proposal would be generally sympathetic and in keeping with the surrounding area, respect adjoining properties and would therefore result in no significant adverse effects on the character and appearance of the streetscene in terms of visual and residential amenity. This accords with the local and national policies mentioned above.

Impact on Residential Amenity

9.7 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.8 Whilst flats do not have permitted development rights and hence planning permission is required in this instance, loft extensions, including dormer windows, can usually be constructed on a dwelling without formal planning permission if the proposal complies with Permitted Development by virtue of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Consequently, dormers are a common feature within residential areas and are evident within the wider context of the application site.

9.9 Drawing OC-73 shows that there are no side windows proposed to the rear dormer.

9.10 The closest adjacent neighbour is the rear elevation of No.58 Chesham Road, which sits behind the site, and is approximately 27 metres in distance from the proposed rear dormer window. The rear of No.58 is already overlooked from a number of adjacent properties, and the proposed dormer window would not result in any significant additional levels of harm when compared to the existing overlooking levels. In addition it is generally accepted that there is a certain amount of mutual overlooking into rear gardens within residential urban areas.

9.11 Overall, due to the height, positioning and separation distance between the loft conversion with dormer window and surrounding dwellings houses it is considered that the proposal would result in no significant adverse impact on the residential amenity of the neighbouring properties when considering a loss of daylight, sunlight or privacy. It is therefore considered that the proposal accords with Policy CS12.

Other Considerations

Parking and access

9.12 The NPPF (2019), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

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

9.14 The proposal would result in an additional bedroom being created within the loft space resulting in a two-bedroom dwelling.

9.16 There is one allocated parking space for No.7 which is sited by the front door. No additional off street parking is proposed. A parking stress survey has been submitted in support of the application. Drawing OC-74 illustrates that there are 8 parking bays (4.8m x 2.4m each) i.e. one allocated parking space per flat plus two visitor bays, with additional parking in the layby as shown on the map of restrictions within the submitted parking stress survey.

9.17 The site is within Accessibility Zone 3, and the car parking standard as set out in the Parking SPD (Nov 2020) is 1.5 spaces (allocated parking) for two bedrooms.

9.18 Whilst it is acknowledged that following the creation of the additional bedroom, there would be a shortfall of 0.5 of an allocated parking space, Orchard Court sits in a sustainable location close to Bovingdon High Street. During her site visit, the planning officer noted that the walk at a gentle pace to the High Street was less than 2 minutes, where there are bus stops, food shops, dentist, primary school, pharmacy, doctor surgery and a library for example. The larger supermarket, Tesco is also very close. This supports the information on the map sent as part of the stress survey.

9.19 In terms of additional parking, if required there is on-street un-allocated parking available close by, beyond Apples Cottages around Old Dean and in Hyde Meadows opposite.

9.20 Taking the above into consideration, whilst acknowledging the slight short fall in allocated off street parking provision (0.5), the site does retain one off street allocated parking space; is located in a sustainable location close to facilities, and there is additional on street parking available in the area. On balance it is not considered that the level of harm due to the slight short fall in off parking provision which would result from the creation of the additional bedroom is at such a level to warrant a refusal.

9.21 It is considered that the proposal would not result in any significant additional parking stress within the area nor would it have an unacceptable impact on highway safety.

Tree and Hedges

9.22 Section 6 of the application form states that no trees or hedges are within falling distance of the proposed development and that no tree or hedges need to be removed or pruned in order to carry out the proposal. The proposal would not affect any significant trees/landscaping.

Archaeology

9.23 The site is located within an Area of Archaeological Significance. Given the nature of the proposal, with no ground works involved, it is considered that there would be no harm to heritage assets. The proposal complies with Policy CS27 in this regard.

Former Land Use

9.24 Former land uses mean there is the potential for the site to be contaminated. However again due to the nature of the proposal, above ground level, there are no concerns in respect of contamination.

Response to Neighbour Comments

9.25 No neighbour comments have been received.

Response from Town Council

9.26 Objection in respect of the lack of parking. See 'parking and access' section above.

CIL Liable

9.27 Policy CS35 of the Core Strategy 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 was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

No (below 100sqm)

Chiltern Beechwood Special Area of Conservation (SAC)

9.28 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.

9.29 A screening assessment has been undertaken and no likely significant effect is considered to occur to the CB SAC therefore an appropriate assessment is not required in this case.

10. RECOMMENDATION

10.1 That planning permission be granted.

Condition(s) and Reason(s):

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

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

- 2. The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

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

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

**site location plan
OC - 71 existing and proposed elevations
OC - 72 section
OC - 73 proposed floor plans
OC - 74 parking plan**

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

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Bovingdon Parish Council	<p>Object - Due to lack of parking (1 allocated space) as per the comments made at our Planning meeting held on 5 January 2022.</p> <p>note: comments previously received from Bovingdon Parish Council in January on previously withdrawn application reference 21/04204/FUL (same proposal)</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
23	0	0	0	0

Neighbour Responses

Address	Comments

ITEM NUMBER: 5c

22/00603/FUL	Retention of a storage building	
Site Address:	Land to the rear of 76-78 Belswains Lane, Hemel Hempstead	
Applicant/Agent	Mr Wingrove	
Case Officer:	Robert Freeman	
Parish/Ward:	Hemel Hempstead	Apsley and Corner Hall
Referral to Committee:	<p>The application is referred to the Development Management Committee in accordance with Section 2.3.2 (1) of the Constitution and at the request of Councillor Peter. Councillor Peter is concerned with the impact of development upon the street scene and highways safety. He is also concerned that the proposal has caused damage to a tree on the site and resulted in an over development of the site.</p>	

1. RECOMMENDATION – That planning permission is GRANTED

2. SUMMARY

- 2.1 The construction of an outbuilding for domestic residential use is acceptable within a residential area in accordance with Policies CS1 and CS4 of the Core Strategy.
- 2.2 The building constructed is considered to be appropriate in terms of its design and siting and would not detract from the overall character and appearance of the site and its surroundings in accordance with Policies CS11 and CS12 of the Core Strategy.
- 2.3 The building has no significant impact upon the residential amenities of neighbouring properties and is acceptable in accordance with Policy CS12 of the Core Strategy.

3. BACKGROUND

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

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

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

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

3.3 The applicants commenced construction of development in May 2021 in breach of conditions 3 (Contamination) and 5 (Landscaping) attached to appeal decision

APP/A1910/W/19/3221620. These dwellings under construction were also not being constructed in accordance with the approved plans for either 4/00726/17/FUL or 4/02726/18/ROC.

- 3.4 The site has been subject to enforcement investigations (E/21/00181/BOC and E/21/00343/NAP).
- 3.5 Conditions 3 and 5 (iv), (v), (vi) and (vii) only were approved under application 21/02321/DRC in August 2021. This approval did not extend to landscaping details reserved by condition 5, points (i), (ii), (iii) and (viii) identifying root protection areas of retained trees on or adjacent to the site, areas for protective fencing and type, and finished levels and contours will need to be fully shown on any future landscape plan.
- 3.6 At the meeting of the Development Management Committee of the 10th February 2022, members subsequently approved application 21/04265/ROC for a variation to the approved plans for these properties. This plan incorporated two storey side extensions to both of the previous dwellings approved under 4/00726/FUL.
- 3.7 It has subsequently been identified that the buildings constructed at the site are not constructed in accordance with 21/04265/ROC, but are in fact constructed further away from each other and approximately 1m closer to the neighbouring dwellings at Belswains Cottages. This is subject to a separate application pending consideration.

4. PROPOSALS

- 4.1 This application seeks planning permission for the retention of an outbuilding that has been constructed between 78 Belswains Lane and the footpath between Belswains Lane and Ebbens Road. This would be used by the occupants of proposed plot 1 on this application site.
- 4.2 The outbuilding has the dimensions of a domestic double garage (5.5m x 4.8m) is single storey with an eaves height of 2.3m and a ridge height of approximately 4.8m. The outbuilding has a hipped roof extending to a full gable at the rear of the building.

5. REPRESENTATIONS

Consultation responses

- 5.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 5.2 These are reproduced in full at Appendix B.

6. CONSIDERATIONS

Policy and Principle

- 6.1 The construction of outbuildings within the curtilage of properties within the town of Hemel Hempstead is considered to be acceptable in accordance with Policies CS1 and CS4 of the Core Strategy. Indeed in many instances these would not require planning permission in accordance with Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended), however this storage outbuilding has been constructed in advance of any dwelling being located upon the site and in breach of a number of height restrictions thereto.

- 6.2 It therefore falls to the local planning authority to determine whether it is an acceptable form of development having regard to its impact upon the character and appearance of the area and its impact on residential amenity.

Layout and Design

- 6.3 The proposed outbuilding is considered to be acceptable in terms of its layout, site coverage, design, bulk, scale and height and does not result in any significant harm to the overall character and appearance of the area in accordance with Policies CS11 and CS12 of the Core Strategy. It is discretely located to the rear of an existing substation constructed between the flank elevation of 78 Belswains Lane and a public footpath from Belswains Lane to Ebberns Road. The building is barely visible from the public footpath with only its eaves and roof visible when approached from the eastern end of the path.

Impact on Residential Amenity

- 6.4 The proposed outbuilding may be conditioned in terms of its use to that ancillary or incidental to the use of the dwellings at land to the rear of 76-78 Belswains Lane to ensure that its use is not beyond that associated with a domestic adjunct nor detrimental to the amenities of these properties or neighbouring units. This has been discussed with the applicant who has agreed that the building should be used in association with plot 1 thereon.
- 6.5 The outbuilding does not impede access to the properties under construction at the rear of 76-78 Belswains Lane nor would it reduce the amenity space associated with these properties.
- 6.6 For these reasons, it would be concluded that the proposed building is not considered to be harmful to the residential amenities of the dwellings in accordance with Policy CS12 of the Core Strategy and Saved Appendices 3 and 7 of the Local Plan 1991-2011.

Impact on Neighbouring Properties

- 6.7 The outbuilding has no significant impact on the amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 6.8 Although it is located close to the boundary of the application site and the adjacent footpath, it does not result in any harm to the amenities of either 1 or 2 Belswains Cottages in view of its limited height and roof pitch. The building itself is screened by an existing boundary fence, such that the guttering and roof is visible above the fence line. This is not considered to result in any loss of light to neighbouring properties nor any significant visual intrusion to those properties.
- 6.9 Furthermore the outbuilding is not considered to result in visual intrusion or an excessive enclosure to the use of the public footpath. The path is already enclosed by the boundary treatment to the application site and neighbouring properties including a high wall to 1 Belswains Cottages. The outbuilding does not significantly increase the sense of enclosure thereto as there is a limited projection above the boundary fence. The path is well lit and subject to overlooking from the properties at Belswains Cottages and as such it is considered that the proposals would not exacerbate any crime safety concerns with the use of the path.

Impact on Trees

- 6.10 Although there are a number of trees around the perimeter of the site and to neighbouring land, none of these appear to be subject to a Tree Preservation Order and as such their protection under planning legislation is limited. It is evident that works have already been undertaken at the application site without adequate tree protection measures having been provided and that the proposed storage building extends within the root protection area (RPA) of trees to the rear of the existing substation.
- 6.11 The Trees and Woodlands section have been consulted in relation to this application and have expressed a view that the outbuilding's incursion into the RPA of trees is unlikely to have resulted in significant damage thereto. As such the proposals must be considered to be acceptable under Policies CS12 and CS26 of the Core Strategy.

Access and Parking

- 6.12 The application that has been submitted indicates that the building will be used for storage purposes and it has further been clarified by the agent that its use would be associated with the dwelling on plot 1. It does however have the appearance of a double garage leading neighbouring properties to question its intended use.
- 6.13 The building itself does not appear to be accessible by vehicles as the hard standing area associated with the dwellings does not extend up to its entrance upon the site plan. It would not be appropriate to speculate regarding the applicants intentions for the use of the building, however were the building used as garaging associated with the dwellings on this site, it is unlikely that the Council would raise an objection to this use.
- 6.14 The entrance to the site is capable of accommodating the vehicular movements associated with these dwellings and is subject to planning conditions requiring the provision and retention of visibility splays in the interests of highways safety. On this basis, I would conclude that there are no grounds to restrict the use of the outbuilding beyond that ancillary to the use of the dwellings on this site. If the building is used as garaging, the vehicle movements associated with such use would not be detrimental to highways safety in accordance with Policies CS8 and CS12 of the Core Strategy.

Neighbours Comments

- 6.15 The comments from neighbouring parties have been addressed above with the exception of those regarding drainage.
- 6.16 The property appears to have been constructed entirely within the application site and I am satisfied that any run-off from the roof will drain within the curtilage of the property.
- 6.17 Further advice has been requested from UK Power Networks (UKPN) in relation to the proximity of the development to the substation and its enclosure. Permission may be required from UKPN in relation to this matter.

Conditions

- 6.18 The building has been constructed and the application is retrospective. We have concluded that its use as storage is only appropriate if this is in connection with the dwellings under construction on this plot. As such it is considered necessary and reasonable to restrict the use of the building as being incidental to the use of plot 1 on the site via a planning condition.

7. RECOMMENDATION.

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

Condition:

1. **The development hereby permitted shall only be used for purposes incidental to the use of the dwelling shown as plot 1 on drawing 76LHH-SITE REV C.**

Reason: In the interests of the residential amenities of neighbouring properties.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Contaminated Land Officer	<p>Having reviewed the documents submitted in support of 22/00603/FUL I have no objection for the following reasons:</p> <ol style="list-style-type: none"> 1) The application form states that the outbuilding for which permission is being sought has been completed. 2) The nature and use of the building (that is already present) for which permission is being sought does not, within the wider residential development permission already granted under 4/02726/18/ROC, have any implications in terms of the introduction of receptors sensitive to the presence of contamination, or of pathways by which exposure to contamination might be exacerbated,. <p>However, I am concerned that the residential development (conditionally permitted by 4/02726/18/ROC) is stated to be underway in the absence of an agreed Remediation Method Statement (RMS), as required by the first part of Condition 4 of that permission.</p> <p>Condition 3 was recommended for discharge in a memo dated 16th July 2021, but that memo also stated that Condition 4 should remain in place because there was a need for a RMS to be submitted and agreed due to the presence of contamination within the upper layers of the ground.</p> <p>With this in mind please would you contact the applicant to:</p> <ol style="list-style-type: none"> a) inform them that they are in breach of Condition 4 and b) advise them to submit a RMS as a matter of urgency. <p><i>CASE OFFICER RESPONSE: An agreed approach to site remediation has subsequently been agreed in consultation with the Contaminated Land Officer. The relevant condition is not able to be</i></p>

	<i>discharged at this stage.</i>
Trees and Woodlands Officer	There is a small incursion into the Root Protection Area associated with the location of the single storey garage and adjacent tree. However, the structure will have a negligible impact owing to the shallow foundation required. It being only a small incursion it should not lead to a significant detrimental impact to the tree.

APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
2 Belswains Cottages	<p>We object to this proposal for the following reasons:</p> <p>1. Damage to trees: The development is within the root protection zone of a large tree on adjoining land.</p> <p>2. Too close to footpath: The building is very close to the footpath which will add to the sense of enclosure and will make users of the footpath feel unsafe. The crime prevention officer commenting on a previous application on the same site noted: "There is an alleyway at the side of the proposed development, which is already has a sense of enclosure from dwellings already at the side of the alleyway. The proposed development will add to that sense of enclose of the alleyway, and may make users have a sense of a fear of crime." https://democracy.dacorum.gov.uk/documents/s10595/DMC-17-08-2017-Item%205c-Land%20ro%2076-78%20Belswains%20Lane.pdf</p> <p>3. Too close to neighbouring property: The building is so close to the neighbouring property that the roof overhangs and rainwater from the roof will be deposited on the neighbour's land. Planning advice for outbuildings states: "Please be aware that any runoff from the building should be onto your own land." https://www.stalbans.gov.uk/advice-outbuildings</p> <p>4. Misleading application: The application describes the development as a "storage outbuilding", when it is obviously a garage. Presumably this is to avoid issues regarding vehicle access. It is a criminal offence to make a deliberately misleading planning application. https://questions-statements.parliament.uk/written-questions/detail/2018-06-21/156410</p>
74 Belswains Lane	If it looks like a duck, swims like a duck, and quacks like a duck, then

it probably is a duck. In the case of the outbuilding already built, it has 2 openings the size of garage doors, it is the size of a double garage (4.8 metres x 5.5 metres) and can be accessed by vehicles, so it probably is a garage (not just for storage). If it is subsequently used to accommodate vehicles will that require a change of use? Given the outbuilding can accommodate vehicles, which will mean more vehicles using the site access, please will you follow up with Herts Highways to determine if the current access Conditions (visibility splay of 2.4 metres x 43 metres to the East - toward Watford) is adequate, and if a visibility splay of 2.4 metres x 43 metres should again be required to the West - toward Hemel. Furthermore please will you check with Dacorum's Building Control to determine what they believe is being built on the site and confirm the details to me prior to the Development Management Meeting?

The storage/garage base and foundations are less than 1 metre from the boundary. The submitted plan does not properly state the location of a 15m high poplar tree in relation to the storage/garage. The poplar tree roots were protected by Condition in the original application and the storage/garage construction is within that protected root area. During the excavation for the base/foundations around half of the tree's roots were removed to a significant depth. The remaining roots are of course limited by the adjacent public footpath, substation and 78 Belswains Lane. I would then ask you to obtain a report from Dacorum's Trees and Woodlands expert to determine what damage has been done to the poplar tree and the remedy. I believe the storage/garage should be demolished and the ground reinstated to allow the roots to regrow. Furthermore if the poplar tree has to be removed then the storage/garage should be demolished and the Applicant should of course be required to replant a mature tree.

The storage/garage has significantly changed the street scene. The style and design, having a gable at one end and hips at the other, looks poor and obtrusive. The roof material (grey concrete tiles) is not in keeping with its surroundings which are red clay. At least 80% of the site's green space is already covered by dwellings, car parking and access road, which I believe constitutes over development, the storage/garage is then adding to an already overdeveloped site.

Are there any planning rules or Dacorum policies regarding the proximity of new buildings to substation equipment?

SITE_PLAN-1279405.pdf (76BLHH-SITE REV A) does not show the required access visibility splay of 2.4 metres x 43 metres to the East (toward Watford). It does not show the correct position of the poplar tree in relation to the storage/garage. Also it does not show the correct position of storage/garage, which is built parallel to the public footpath. Please will you then reject the site plan and request a corrected plan before considering the application further?

The application form is not completed correctly.

- 1, Is the site currently vacant? Applicant has said "no" when there are currently no residents;
- 2, Land which is known to be contaminated. Applicant has said "no"

	<p>when we know there is a Condition to remove contamination from the site; 3, Land where contamination is suspected for all or part of the site.</p> <p>Applicant has said "no" when we know there is a Condition to remove contamination from the site.</p>
209 Ebbens Road	<p>Objection. The prior decision that saw two modest houses approved to become two executive homes stated that speculation on future use could not be considered, an extraordinary statement from a department called Planning. The fact that this structure has already been built without featuring on any prior plan is barely credible. As is the need for a double garage sized storage space for houses that are twice as large as those initially approved. Previous objections have centred on over development in an enclosed space and concerns over vehicular movement and access. Creating more parking spaces is making this situation worse. This structure should be removed or if it is to remain should be restricted in such a way that it is not permitted for car parking.</p>

ITEM NUMBER: 5d

22/01583/NMA	Non Material Amendment to planning permission 21/04265/ROC (Variation of condition 2 (approved plans) attached to planning permission 4/00726/17/FUL for 2 x 3 bed dwellings.	
Site Address:	Land to the rear of 76-78 Belswains Lane, Hemel Hempstead	
Applicant/Agent	Mr Wingrove	
Case Officer:	Robert Freeman	
Parish/Ward:	Hemel Hempstead	Apsley and Corner Hall
Referral to Committee:	The application is referred to the Development Management Committee in accordance with Section 2.3.2 (1) of the Constitution and at the request of Councillor Peter. The proposal would result in changes to a scheme previously refused planning permission by the Development Management Committee.	

1. **RECOMMENDATION** – That a Non Material Amendment to planning permission 21/04265/ROC is **GRANTED**

2. **SUMMARY**

2.1 The proposed amendment is minor and non-material in nature and does not fundamentally alter the conclusions reached in relation to 21/04265/ROC. The proposals remain appropriate in accordance with Policies CS11 and CS12 of the Core Strategy.

3. **BACKGROUND**

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

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

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

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

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

- 3.4 The site has been subject to enforcement investigations (E/21/00181/BOC and E/21/00343/NAP).
- 3.5 Conditions 3 and 5 (iv), (v), (vi) and (vii) only were approved under application 21/02321/DRC in August 2021. This approval did not extend to landscaping details reserved by condition 5, points (i), (ii), (iii) and (viii) identifying root protection areas of retained trees on or adjacent to the site, areas for protective fencing and type, and finished levels and contours will need to be fully shown on any future landscape plan.
- 3.6 At the meeting of the Development Management Committee of the 10th February 2022, members subsequently approved application 21/04265/ROC for a variation to the approved plans for these properties. This plan incorporated two storey side extensions to both of the previous dwellings approved under 4/00726/FUL.
- 3.7 It has subsequently been identified that these plans are also not an accurate representation of the dwellings as constructed at the site. The dwelling closest to Belswains Cottages is approximately 1m closer to the boundary of the site than was previously identified.

4. PROPOSALS

- 4.1 The current application seeks permission for the retention of two x three-bedroom dwellings under construction at the site. Each of the proposed dwellings would be provided with two parking spaces.
- 4.2 The main difference between the approved scheme and the current proposals relates to the separation distance between plot 1 and the boundary with 1-2 Belswains Cottages. The gap between the two dwellings on the site has increased by 1m with a commensurate reduction in spacing to the boundary of the site. Plot 1 is located between 3.5m and 5m from the site boundary. Plot 2 is as set out in the approved plans.
- 4.3 This application does not extend to the construction of an outbuilding, shown on the location plan. This is subject to planning application 22/00603/FUL and is subject to separate consideration by the Development Management Committee.

5. REPRESENTATIONS

Neighbour responses

- 5.1 These are reproduced in full at Appendix A.

6. CONSIDERATIONS

Policy and Principle

- 6.1 This application has been submitted under Section 96A of the Town and Country Planning Act 1990 (As Amended). This section of the legislation allows for a local planning authority to approved changes to planning permissions that it has granted without resulting in the grant of a new planning permission or undertaking further public consultation.
- 6.2 Notwithstanding such matters, neighbouring parties to the site have been consulted in relation to this specific case given the associated planning history and the need for transparency.
- 6.3 Section 96A states that:

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

There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. These will normally relate to changes which are minor in nature and do not significantly change the planning permission. The term ‘non material’ is also likely to cover many schemes that may have previously been classed as *de-minimis* i.e. legally of *no consequence*. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

- 6.4 The site already benefits from three planning permissions for residential development on the site (4/00726/17/FUL, 4/02726/18/ROC and 21/0465/ROC) and is located in an area where in accordance with Policies CS1, CS2 and CS4 of the Core Strategy appropriate residential development would be encouraged. The proposals are therefore acceptable in principle with the key considerations in this case relating to the impact of the change in spacing between properties upon the character and appearance of the area and upon residential amenity.
- 6.5 The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. In this regard, it is important to note that this is the first non-material amendment application for this development.

Impact on Character and Visual Amenity

- 6.6 The dwellings subject to this application are no different in appearance to those approved under 21/0465/ROC and although plot 1 would be located closer to properties at Belswains Cottages, this would not be appreciably nearer than the extant permission. This is unlikely to be perceived from the public realm at Belswains Lane and Ebberrns Road, in view of the landscaping to the perimeter of the site, the existing properties to Belswains Lane and the limited views thereto. On this basis there would be no reason to reach a different conclusion as to the impact of development on the character and appearance of the area. The impact of the proposals on the character and appearance of the area remains acceptable in accordance with Policies CS11 and CS12 of the Core Strategy.

Impact on Neighbouring Properties

- 6.7 The changes to the proposed plans would involve the construction of plot 1 closer to the southern boundary of the application site and those properties at Belswains Cottages. The flank elevation of the building would be set back from 1 Belswains Cottages. It would now be located approximately 7.8m from a ground floor window towards the rear of the property some 8.2m from the centre of a bay window. The flank elevation would be between 7.5m and 8.3m from the flank elevation thereto. The flank elevation of the property remains largely obscured by the vegetation to the boundary of the adjacent footpath.
- 6.8 The outlook of 2 Belswains Cottages is currently dominated by a row of tall trees along the site boundary and these limit the views into the site throughout the year. They also result in a reduction in daylight to the windows at the front of Belswains Cottages. The change in siting of the property would have a negligible impact when considered against the extant approval both in terms of the impact of development upon privacy and the impact of development on light thereto and would not alter our conclusions in relation to the impact of development upon the residential amenity of neighbours.

Impact on Trees

- 6.9 It has now been demonstrated that the dwellings have been constructed closer to the boundary of the application site and the trees thereon. The change in this distance would not result in a different conclusion being reached as to whether the impact of development on trees around the site is acceptable or otherwise. These trees are not subject to protection via a Tree Preservation Order and have been retained through the development of this site.

Access and Parking

- 6.10 The proposed amendment has no effect on access and parking compared to the approved scheme.

Developer Contributions and Infrastructure

- 6.11 The submitted scheme would not increase the size of the properties on the application site and as such there would be no need to recalculate the associated CIL bill which would be attached to the implemented planning permission (21/0465/ROC)

Neighbours Comments

- 6.12 The neighbour's concerns regarding the impact of development upon their amenities is noted and dealt with in sections 6.7-6.8 of this report. It would be reiterated that this does not materially affect the conclusions in relation to this case.
- 6.13 The application seeks permission for a Non Material Amendment to planning permission 21/0465/ROC despite the requests from officers that a full application be submitted in relation to this site. It does need to be determined in accordance with planning policy and having regards to the advice in the Department for Levelling up, Housing and Communities publication on "Flexible Options for Planning Permissions" (March 2014) and the Town and Country Planning (Development Management Procedure) (England) Order 2015. The latter makes clear that this application for a non-material amendment is not an application for planning permission and as such local authorities have greater discretion in how they notify interested parties of the application.
- 6.16 The comments raised by 2 Bunkers Cottages regarding the consultation on this case are noted and consultation letters have been sent to neighbouring properties, notwithstanding the above advice. Any comments received will be reported to the Development Management Committee.

Conditions

- 6.17 As the application is not an application for planning permission, there is no requirement to enter any planning conditions to this approval. The applicants are bound by the conditions to the original permission as set out in the associated planning informative.

7. RECOMMENDATION.

- 7.1 That a Non-Material Amendment be GRANTED to planning permission 21/04265/ROC

INFORMATIVE

The amendment shown on the submitted drawing is considered to be non-material to planning permission 21/04265/ROC; as the proposed changes are not significant, would not be materially different to that originally approved and would not contravene any planning policy.

This application has been approved for the amended drawing:

76BLHH-SITE Revision C

The conditions to planning permission 21/04265/ROC still apply.

APPENDIX A: NEIGHBOUR RESPONSES

Address	Comments
2 Belswains Cottages	<p>We strongly object to this application because it will affect our right to light. The developer submitted a right to light diagram as part of application 4/02726/18/ROC which shows that if plot 1 is closer than 6.8m to the fence in front of a window of our property, it will affect our right to light. In that application, plot 1 was 8m from the fence. The current application shows only one window on our property, when in fact there are 4 large windows at the front, 2 upstairs and 2 downstairs. The other downstairs window looks out onto the centre of plot 1, which is 4.5m from the fence in this application. This obviously means our right to light will be affected and the application must be refused.</p> <p>Why were no neighbours informed of this application? At the planning committee meeting for 21/04265/ROC? Councillors raised concerns about plot 1 being closer to the fence than the 6m in those plans after seeing the photos. They commented that somebody should measure the distance as soon as possible and if it was "more than a millimetre out" the developer should be forced to rebuild the foundations. The case officer was present at this meeting so knows that this is a contentious issue, By not informing neighbours of this application it gives the impression that the case officer is trying to sneak it through under the radar.</p>

Agenda Item 5e

ITEM NUMBER: 5e

22/00849/UPA	Additional storey to a maximum height of 8.3m with 4 windows to front and 2 to rear	
Site Address:	1 The Orchard Kings Langley Hertfordshire WD4 8JR	
Applicant/Agent:	Mr Ben Sterling	
Case Officer:	Colin Lecart	
Parish/Ward:	Kings Langley Parish Council	Kings Langley
Referral to Committee:	Objection received from Parish Council	

1. RECOMMENDATION

1.1 That prior approval be **GRANTED**.

2. SUMMARY

2.1 The proposal is considered to comply with the criteria set out in Class AA.1 of Schedule 2, Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended) and the matters subject to prior approval are all considered to be acceptable. The upward extension would therefore be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended).

2.2 It is considered that the proposal would not have an adverse impact on the residential amenity of neighbouring properties, the external appearance of the dwelling house, or the character of the street scene and it is therefore recommended that prior approval is granted subject to the conditions set out in Paragraph AA.2 of Class AA.

3. SITE DESCRIPTION

3.1 The application site comprises of a detached bungalow on the southern side of the Orchard, Kings Langley.

4. PROPOSAL

4.1 The application seeks to establish whether prior approval is required for an upward extension for an additional storey to a maximum height of 8.3m with 4 windows to front and 2 to the rear.

4.2 This prior notification has been submitted in accordance with conditions AA.2 of Schedule 2 Part 1 Class AA of the Town and Country Planning (General Permitted Development) Order 2015.

4.3 A similar proposal for an increase in height up to 7.8m has been granted prior approval under application reference 21/02320/UPA.

5. PLANNING HISTORY

Planning Applications

21/02317/LDP - Rear extension 4m deep - 7.5m wide - 2.5m eaves height and 4m total height.
GRA - 8th July 2021

21/02319/HPA - Single storey rear extension measuring 8m deep with a maximum height of 4m and a maximum eaves height of 2.5m.

Prior approval Not Required - 8th July 2021

21/02320/UPA - Additional storey to match existing building. 4 windows to front, 2 to rear. Full height with additional storey will be 7.8m
Prior Approval Granted - 9th August 2021

21/02796/FHA - Removal of garage, reduction in ground level to create a level garden (maximum reduction 1400mm) and construction of 8m split level rear extension.
GRA - 22nd October 2021

21/04141/NMA - Non material amendment to planning permission 21/02796/FHA (Removal of garage, reduction in ground level to create a level garden (maximum reduction 1400mm) and construction of 8m split level rear extension.)
GRA - 11th November 2021

21/04383/LDP - Insertion of new ground floor windows and doors. Demolition of porch
GRA - 13th January 2022

21/04401/FUL - Extension of existing dwelling to create 4 dwellings.
REF - 16th February 2022

4/02037/19/FUL - Demolition of existing dwelling and outbuildings and construction of two 4-bedroom semi-detached dwellings.
GRA - 27th January 2020

4/01847/18/OUT - Demolition of exiting bungalow and garage and replace with four (or three) 2-bed dwellings
REF - 13th December 2018

4/00436/18/OUT - Demolition of existing bungalow and garage. Replace with four two-bed Dwellings.
REF - 2nd July 2018

4/03283/17/HPA - Single-storey rear extension measuring 8m deep with a maximum height of 4m and a maximum eaves height of 2.4m

Prior approval Not Required - 1st February 2018

4/03282/17/HPA - Single-storey rear extension measuring 5m deep with a maximum height of 4m and a maximum eaves height of 2.4m

Prior approval Not Required - 1st February 2018

Appeals

22/00026/REFU - Extension of existing dwelling to create 4 dwellings.
LODGED -

4/01847/18/OUT - Development Appeal
- 14th August 2019 – Dismissed

4/00436/18/OUT - Development Appeal
- 15th April 2019 - Dismissed

6. CONSTRAINTS

CIL Zone: CIL2
 Kings Langley Conservation Area
 Former Land Use (Risk Zone):
 Heathrow Safeguarding Zone: LHR Wind Turbine
 Large Village: Kings Langley
 Listed Building, Grade: II,
 Parish: Kings Langley CP
 RAF Halton and Chenies Zone: Yellow (45.7m)
 Residential Area (Town/Village): Residential Area in Town Village (King Langley)
 Parking Standards: New Zone 3
 EA Source Protection Zone: 2
 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 LEGISLATION/POLICIES

Schedule 2, Part 1, Class AA of the General Permitted Development Order (2015) (England) (As Amended)

9. CONSIDERATIONS

Main Issues

9.1 The development complies with the limitations contained within Schedule 2, Part 1, Class AA of the General Permitted Development Order (2015) and therefore the main consideration of this application are the matters relating to prior approval which are:

Impact on amenity of adjoining premises
 External appearance of the dwelling house,
 Air traffic and defence asset impacts
 Protected views

Criteria contained within the legislation:

9.2 The proposal should be assessed under Class AA of Part 1 of the Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The following will assess whether the proposal complies with the relevant criteria contained within the legislation.

Permitted Development Rights	
Any conditions on planning permissions removing Permitted Development Rights?	No

Any Article 4 Directions removing Permitted Development Rights?	No

9.3 The proposal comprises permitted development subject to the relevant criteria as contained within Schedule 2, Part 1, Class AA of the General Permitted Development Order (2015) (England) (As Amended).

9.4 Permitted development:

AA. *The enlargement of a dwellinghouse consisting of the construction of—*

(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or

(b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

9.5 Development not permitted:

9.6 *The proposed development meets all the relevant criteria set out in Class AA.1 including the following detailed criteria for detached dwellinghouses, whereby Development is not permitted by Class AA if, inter alia:*

c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

(e) Following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

(f) Following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—

(i) 3.5 metres, where the existing dwellinghouse consists of one storey; or

(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;

(h) The floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

i. 3 metres; or

ii. the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;

(i) Any additional storey is constructed other than on the principal part of the dwellinghouse;

Conditions:

9.7 AA.2.—(1) *Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3):*

(a) The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;

(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and

(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Is the proposal Permitted Development?

9.8 It has been possible to ascertain from historic OS maps that the property was not built before July 1948 and it was not built after October 2018.

9.9 The proposal would comply with the relevant height increase criteria for detached properties. The floor to ceiling height is indicated as 2.4m, which complies with this aspect of the criteria. It is noted that the floor to ceiling height indicated on the first floor would mean that the height of the ceiling would somewhat level with the top of the windows. This would be subject to building control approval. If this would not comply with building regulations, then the floor to ceiling height would have to be increased, with another prior approval or planning permission required from the council for this.

9.10 The extension would take place over the principal part of the dwelling house.

9.11 The applicant has also confirmed that the proposal will comply with the conditions in accordance with the legislation as set out above.

9.12 Due to the above, it is considered the proposal would comply with criteria as listed within Schedule 2, Part 1, Class AA of the General Permitted Development Order (2015).

Consideration of Matters of Prior Approval

9.13 Paragraph AA.2 of Class AA states that before beginning the development, the developer

(a) must apply to the local planning authority for prior approval as to:

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;

(ii) the external appearance of the dwellinghouse, including the design and architectural features of:

(aa) the principal elevation of the dwellinghouse, and

(bb) any side elevation of the dwellinghouse that fronts a highway;

(iii) air traffic and defence asset impacts of the development; and

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State;

(b) must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated

Impact on the Amenity of Adjoining Premises

9.14 It is acknowledged that the inclusion of windows at first floor level would result in overlooking of no. 3 the Orchard; yet no. 3 forms one half of a semi-detached pair and therefore its garden will already be overlooked from at least one direction. These dwellings are located within an established settlement and in close proximity to one another. Accordingly, a certain degree of mutual overlooking is expected. The level of overlooking which would arise as a result of this application would not be sufficient to warrant withholding approval. It is important to note that there would be no loss of privacy to the internal environment of no. 3.

9.15 The proposal would maintain the same building footprint/build line of the existing property and would therefore not have an impact on light received by the front and rear elevations of number 3. The side windows of number 3 which face the site do not appear to serve habitable rooms and with respect to the garden areas and sunlight, the site is located north west of the site, limiting its impact in this regard. Furthermore, it is not considered that a 0.5m increase in height above a previously consented scheme for an upward extension under 21/02320/UPA would result in an increased impact above that scheme, which was also deemed acceptable in this regard.

9.16 Therefore, it is considered that there would be no significant adverse impacts on the residential amenity of neighbouring properties.

Impact on External Appearance of Dwellinghouse

9.17 Paragraph AA.2 (3) (a) (ii) of Class AA allows the local planning authority to take account of the external appearance of a dwelling, including the design and architectural features of the principal elevation and any side elevation which fronts a highway.

9.18 The wording is such that the term *external appearance* does not solely relate to design and architectural features. On the contrary, these are merely examples of factors which are able to be considered under the broad heading of *external appearance*. The external appearance of a dwelling and the question of whether or not it constitutes good design cannot so easily be divorced or considered separately from its context. This approach has been confirmed in the court case of *Cab Housing Ltd & Ors V Secretary of State for Levelling Up, Housing and Communities & Ors [2022]*.

9.19 The proposal seeks to turn a bungalow into a two-storey dwelling. Given that almost all of the other dwellings within the street are of two-storey construction, this does not give rise to any major concerns. Indeed, it would assist in making the street more uniform.

9.20 An additional plan showing the street scene and the ridge height of the application property in comparison with no. 3 The Orchard and the other set of properties going up the hill has been provided. This plan demonstrates that the ridge height would be approximately 0.2 metres lower than that of no. 3, compared to 0.7 metres granted under the previous proposal.

9.21 It is noted that staggering of ridge heights is observed on the two storey properties going up the street. The stagger between number 1 and number 3 would now be 0.2 metres, resulting in a smaller transition in height than that established by the previous consent. It is noted that the existing stagger in height between number 5 and number 7 further up the hill is approximately 0.6m. Therefore, the

stagger in height between numbers 1 and 3 would be smaller than this existing staggering further up the road as a result of the development.

9.22 However, when considering the spacing that exists between the sets of properties as well as the site's location on a corner plot at the bottom of the road, it is considered that the smaller staggered height between numbers 1 and 3 would not be overtly prominent. It is considered that this difference would not be immediately visible when one is turning the corner around the flank elevation of number 1 at the bottom of the road, or when travelling down from the top of the road to the north east.

9.23 Thus, when passing the site in general, it is considered that the minutiae of the slight differences in staggered heights would largely go unnoticed, or at least not draw undue attention to itself on the street scene. In this sense, it is not considered that decrease in the staggered height of number 1 compared to number 3 of 0.5 metres below the previously consented scheme would result in a harmful impact.

9.24 The current building is of no architectural merit and this would not change – either for the better or for the worse – as a result of this application; rather, it is considered that, from an architectural perspective, there would be a neutral impact.

9.25 It is therefore considered that the impact on the external appearance of the dwelling house itself would not be harmful when considering that the existing property is not of particularly high architectural quality in the first instance. It is also considered that the proposal would not have a detrimental impact on the street scene as a whole, when noting the prevalence of two storey dwellings on the road in the first instance and a staggering in height, albeit minimal, would still be maintained.

Air Traffic and Defence Asset Impacts

9.26 The height of the development (under 45.7m) is such that there would be no implications for air traffic and defence assets.

9.27 The Civil Aviation Authority has been consulted on the application but have not commented.

Protected Views

9.28 The proposal would not affect any protected views.

Construction Management

9.29 A management plan does not form part of the application submission; however, the requirement is that this be provided prior to the commencement of development. As such, a lack of a plan is not, in and of itself, a reason to refuse prior approval. Should prior approval be granted, a suitable worded condition will be included.

Conclusion

9.30 The proposal is considered to comply with the criteria set out AA.1 and the matters subject to prior approval are all considered to be acceptable. The upward extension would therefore be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended).

9.31 It is considered that the proposal would not have an adverse impact on the residential amenity of neighbouring properties, the external appearance of the dwelling house, or the character of the

street scene and it is therefore recommended that prior approval is granted under Paragraph AA.2 of Class AA.

Condition and Reason:

1. **No development shall take place until a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated, has been submitted to and approved in writing by the local planning authority.**

Reason: To comply with the requirements of Schedule 2, Part 1, Class AA, AA.2, 3 (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Informatives :

1. Along with Condition 1, the development shall also comply with the conditions as listed within Paragraph AA.2 (2) of Schedule 2, Part 1, Class AA of the General Permitted Development Order (2015). These are Listed below :

- a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*
- (b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;*
- (c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and*
- (d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.*

APPENDIX A: CONSULTEE RESPONSES

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

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.

	<p>Comments</p> <p>The proposal is for the construction of an additional storey to a maximum height of 8.3m with 4 windows to front and 2 to rear at 1 The Orchard, Kings Langley. The Orchard is a dead-end unclassified local access route that is highway maintainable at public expense.</p> <p>The additional story of the building is unlikely to impact visibility splays for the surrounding highway network. HCC Highways do not consider additional bedrooms to increase trips to and from the dwelling. There is proposed to be no alterations to the existing highway network.</p> <p>HCC Highways would not wish to restrict a grant of permission for the site subject to the inclusion of the above informatives</p>
Environmental And Community Protection (DBC)	Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.
Parish/Town Council	The Council objects to this proposal because of its height / size being too large for the plot, would be unattractive and have a detrimental impact and be out-of-keeping with the street scene / neighbouring properties.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
13	3	0	3	0

Neighbour Responses

Address	Comments
10 The Orchard Kings Langley Hertfordshire WD4 8JR	I am objecting to this proposal as it is yet another obvious ruse by the applicant to be a first step in further proposals to attempt to shoehorn 4 dwellings into a small site, despite this being rejected multiple times before. It is also rather alarming that the first line of the site notice says ' New dwelling houses on detached blocks of flats' Does this mean that

	<p>is his next ridiculous objective? The fact that the applicant has erected an illegal 2 metre fence on the front boundary with the highway obscuring visibility for traffic on a bend and not removed it despite an enforcement notice is further proof of his contempt for the planning process</p>
<p>12 The Orchard Kings Langley Hertfordshire WD4 8JR</p>	<p>I wish to object to this planning application.</p> <p>The information provided by the planning officer's letter contradicts the public notice posted at the property. There's no mention of the property being occupied as flats in the planning officers letter but the public notice states this.</p> <p>The planning application is lacking in content and doesn't include details of the future occupation of the property. My concern is that without clarification, the property may be occupied as bed sits or a HMO.</p> <p>I also object to the 4 windows at the front of the property as this is out of keeping/character with other properties in The Orchard.</p> <p>Please clarify the future occupation of the property and make sure adequate off street car parking is provided.</p> <p>I don't think this application can be considered unless the future, long term occupancy of the property is established.</p>
<p>14 The Orchard Kings Langley Hertfordshire WD4 8JR</p>	<p>I wish to object to this planning application on a number of points.</p> <p>The planning application notice attached to the fencing of the property does not match the notification that I received through the post and states: Reason for Alert 'New dwellinghouses on detached blocks of flats'</p> <p>This information was not provided on the written notification of the 22nd March which stated that this was just an 'Additional storey to a maximum height of 8.3m with 4 windows to front and 2 to rear.</p> <p>I have studied the application and planning information available online and can see no mention of this being a 'block of flats' and I therefore feel that we have been deceived by the developer. The application form makes no mention of the changes from a single dwelling to a HMO or 'block of flats'.</p> <p>The application also makes no reference to additional parking facilities to be provided or the amount of outdoor space made available for the properties. Previous applications for multiple properties on this site have been rejected because of over development, parking and other considerations and I fell that this one should be rejected on the same</p>

	<p>grounds.</p> <p>I feel that given the limited amount of information on the application regarding the future use of the property makes this impossible to approve. If the developer wants to put a 'block of flats' on the site then an appropriate application should be made in full and not 'through the back door'.</p>
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Agenda Item 5f

ITEM NUMBER: 5f

21/03561/VAR	Deed of Variation to S106 agreement relating to 4/03481/15/MFA	
Site Address:	Flaunden House Stables, Flaunden, Hertfordshire HP3 0PW	
Applicant/Agent:		Abel Bunu
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Flaunden Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Scheme of delegation (4(a)) Proposals seeking variations to existing legal agreements not considered minor by the Group Manager (Development Management and Planning).	

1. Introduction/Background

- 1.2 This report is the result of an appeal which has been submitted against the non-determination of planning application 21/03561/VAR.
- 1.3 The above planning application was received on 13th September, 2021. To date the Local Planning Authority has not determined it and the applicant has appealed against its non-determination. The views of the LPA are invited as part of the appeal procedure. The Planning Inspector will however determine the appeal.
- 1.4 The application has therefore been brought before Members not for determination but to ascertain the Council's views with regard to the proposal. The views of the Planning Committee will form the basis of the appeal statement that must be submitted to the Planning Inspectorate by the 8th July, 2022.
- 1.5 The whole of this site was the subject of a holistic approach considered under planning application 4/03481/15/MFA which aimed to allow some residential use on the site whilst re-establishing the previous equestrian use.
- 1.6 The approval of the above MFA was subject to the signing of a legal agreement. The purpose of the UU was to ensure that a commercial equestrian use was re-established on the site by tying the two-bedroom dwelling, the 16 stables and associated land together for the sole use of the equestrian activity.

2. RECOMMENDATION

It is recommended that the application be refused based on the following:

- The changes to the legal agreement would undermine the very special circumstances which were considered to make the proposal acceptable in the Green Belt;
- Suggested wording of the legal agreement very broad – legal agreements need to be detailed, clear and concise; and
- Incorrect type of application to achieve what is in essence an amendment to the original MFA application.

3. SUMMARY

- 3.1 Under the MFA the only reason that the two barn conversions were granted was under the proviso that the equestrian use on the site be maintained/re-established. This proposal suggests a modification to this use to a less intensive use which would change the use of the site and the existing buildings.
- 3.2 It is considered that the suggested wording of the legal agreement is very broad – legal agreements need to be detailed, clear and concise and that an application to vary a legal agreement (VAR) is not the correct type of application to achieve what is in essence an amendment to the original MFA application – a change of use.
- 3.3 An amended MFA with a new appropriately worded legal agreement is required before any full assessment of the proposed change of use can be made.

4. SITE DESCRIPTION

- 4.1 The site (outlined in red) is located on the eastern side of Birch Lane, Flaunden and is accessed via an unnamed access lane. The site is located near to the intersection of Birch Lane and Flaunden Lane which comprises a mix of residential, community and agricultural buildings.
- 4.2 Birch Lane is rural in character with broken footpaths although the road reserve widens slightly in front of the six semi-detached dwellings (which are opposite the site) to provide a parking layby. Boundary treatments generally consist of thick hedging which conceal buildings (there is little building presence on the eastern side) such that the buildings at the Baptist Church, Birch Lane House and the garage at Long Meadow appear as a standalone features in the lane.
- 4.3 The site comprises the following:
- Barn A – subdivided into two semi-detached dwellings – now known as Ziggy and Buttercup Barns;
 - Barn B – now called “Honeysuckle Cottage” – which is in residential use and the Manager’s cottage;
 - Large U shaped stable building and a ménage;
 - Smaller stables on northern side of the ménage;
 - The Coach House – a residential unit which historically was the manager’s cottage for the equestrian use; and
 - Approximately 16 acres of pasture.
- 4.4 The site is located within the Metropolitan Green Belt and partly covered by the Flaunden Conservation Area. The boundary of the Conservation Area runs along the western side of Barn A and includes the access road. The site is not located within a designated village in the Green Belt.

5. PROPOSAL

5.1 Variation of legal agreement relating to 4/03481/15/MFA “Conversion of existing agricultural barn to form a 4 bed detached dwelling; conversion of existing agricultural barn to form a 2 bed detached dwelling with manager's office; single storey rear extension to coach house; and refurbishment and improvement of existing stables”.

5.2 The proposed modifications include:

Clause 1.3

Widen the definition of “commercial usage” used in the agreement – stabling for equestrian use – to “any rural based enterprise”.

Re-word Clause 16 (b) (i)

Change from - the Owner will (unless the Council otherwise agree in writing) in perpetuity, not use nor permit the use of the Existing Stables other than for Commercial Use.

To – “Not use nor permit the use of the existing stables for any use not considered appropriate in the Green Belt and countryside.”

Re-word Clause 16(b)(ii)

Change from – the Owner will (unless the Council otherwise agree in writing) in perpetuity, not use nor permit the use of Tie Barn 2 other than as a Manager's Cottage.

To - “Not use nor permit the use of Tie Barn 2 for purposes considered inappropriate in the Green Belt and countryside unless very special circumstances can be demonstrated.”

Re-word Clause 16(b)(iii)

Change from - the Owner will (unless the Council otherwise agree in writing) in perpetuity, not use nor permit the use of any land other than the houses constructed pursuant to the Development or as otherwise provided herein for any purpose other than equestrian stables and associated equestrian uses.

To - “Not use nor permit the use of any land other than the houses constructed pursuant to planning permission reference 4/03481/15/MFA and any other subsequent permissions, other than for uses considered appropriate in the Green Belt or where very special circumstances can be demonstrated.”

Re-word Clause 16 (c)

Change from - ‘Not without the prior written consent of the Council make any alterations or additions to the Existing Stables, nor change the use thereof’

To - ‘Not without the prior written consent of the Council make any material alterations or additions to the Existing Stables, nor change the use thereof’

The information submitted with this application includes a copy of:

- The DMC report for the MFA;
- Decision notice for the MFA
- The Unilateral Undertaking dated 28th June, 2016;
- Equine Business Plan dated November, 2020; and
- Planning Supporting Statement.

6. PLANNING HISTORY

Planning Applications (If Any):

19/03114/ROC - Removal of condition 11 of planning permission 4/01658/16/FUL (conversion of existing agricultural barn to 2 semi detached dwellings)
WDN - 4th February 2020

20/01452/DRC - Details as required by condition 4 (Tree protection plan) and condition 9 (garage details) attached to planning permission 20/00089/FUL (Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration).
GRA - 3rd August 2020

20/03219/DRC - Details as required by condition 2 (Materials) and 8 (Hard _ Soft Landscaping) of planning permission 20/00089/FUL (Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration)
REF - 15th December 2020

20/03345/FUL - Construction of 2 new dwellings.
REF - 23rd December 2020

21/00365/FUL - Raising of roof, Change of roof pitch, Conversion of barn to residential use and changes to fenestration. Repositioning of tree planting screen.
GRA - 6th August 2021

21/04607/PIP - Construction of a detached dwelling on land adjacent to Honeysuckle Barn
REF - 27th January 2022

4/011111/81 - Historic File Check DMS for Documents and Further Details
DET - 21st October 1981

4/01615/80 - Historic File Check DMS for Documents and Further Details
DET - 4th December 1980

4/02327/19/DRC - Details as required by condition 2 (materials) condition 3 (landscaping) condition 4 (contamination), condition 7 (layout of use) condition 8 (fire hydrants) condition 10 (business plan) attached to planning permission 4/01658/16/FUL (Conversion of existing agricultural barn to 2 semi-detached dwellings.)
GRA - 12th February 2020

4/02200/19/FUL - Conversion of two rooms in existing building to make residential accommodation. Internal re-configuration and minor external Alterations.(retrospective).
GRA - 11th November 2019

4/01674/19/NMA - Non material amendment to planning permission 4/03481/15/mfa - conversion of existing agricultural barn to form a 4 bed detached dwelling; conversion of existing agricultural barn to form a 2 bed detached dwelling with manager's office; single storey rear
GRA - 10th September 2019

4/01164/19/TCA - Work to trees
RNO - 26th June 2019

4/00915/19/TCA - Fell oak tree
RNO - 31st May 2019

4/02176/18/FHA - Single storey rear extension
GRA - 23rd May 2019

4/02119/17/FHA - Single storey side extension and alterations
GRA - 19th February 2018

4/01863/17/LBC - Replace existing kitchen, instal wood burning stove in existing chimney, replace existing stud wall with plasterboard, replacement bathroom, damp and woodworm treatment, plaster dining and living room ceilings, repoint plaster on chimney breast and surrou
GRA - 19th September 2017

4/01300/17/DRC - Details required by condition 3(landscaping), 4(contaminated land), 5(contaminated land), 7(approved plans), 8(fire hydrants), 11 (materials) and 12 (business plan) attached to planning permission 4/02937/16/ful - conversion of agricultural barn to form a
GRA - 13th July 2017

4/01239/17/RET - Material change of use from workshop and office to bedroom, interior reconfiguration and external minor amendment (retrospective).
WDN - 20th May 2019

4/01192/17/DRC - Details of materials, landscaping, contamination, horse and pedestrian safety, sustainability, fire hydrants and business plan as required by conditions 2, 3, 4, 7, 8 and 10 of planning permission 4/01658/16/ful (conversion of existing agricultural barn t
REF - 3rd January 2019

4/01069/17/ROC - Variation of conditions 2 (materials) & 11 (approved plans) attached to planning permission 4/01658/16/ful (conversion of existing agricultural barn to 2 semi detached Dwellings.
WDN - 20th May 2019

4/00742/17/FHA - Single and two storey side extension, first floor extension and roof window
REF - 7th June 2017

4/02937/16/FUL - Conversion of agricultural barn to form a pair of semi detached dwellings comprising a two-bedroom unit for a stable manager with associated tack storage, lockable office and a one-bedroom dwelling for open market Housing.
GRA - 24th March 2017

4/02298/16/DRC - Details required by conditions 3 (hard and soft landscaping), 4 (phase 1 report), 6 (layout of equestrian use), 7 (fire hydrants), 10 (external materials), 11 (external materials) and 12 (business plan) attached to planning permission 4/03481/15/mfa - con
GRA - 13th February 2017

4/01658/16/FUL - Conversion of existing agricultural barn to 2 semi detached Dwellings.
GRA - 24th March 2017

4/03688/15/FUL - Part demolition of existing agricultural barn and change of use to a daytime community centre and warden's office. change of use of existing parking area to 7 traveller and gypsy pitches including 7 day units
INSFEE -

4/03481/15/MFA - Conversion of existing agricultural barn to form a 4 bed detached dwelling; conversion of existing agricultural barn to form a 2 bed detached dwelling with manager's office; single storey rear extension to coach house; and refurbishment and improvement of existing stables.
GRA - 5th July 2016

4/03435/15/FUL - Conversion of agricultural barn to b1a office space
case withdrawn
INSFEE -

4/02987/15/FHA - Single storey rear extension
WDN - 11th October 2016

4/02986/15/FUL - Conversion of existing agricultural barn to form a detached two bedroom dwelling
WDN - 26th September 2016

4/02895/15/FUL - Conversion of existing agricultural barn to form a detached four bedroom house with home office and stables (amended Scheme).
WDN - 4th November 2015

4/01123/15/FUL - Conversion of an existing stables to form a single four bedroom house with garage and workshop (revised Scheme).
REF - 21st August 2015

4/00201/15/FUL - Conversion of existing stables to form a four bedroom house with garage and workshop
WDN - 17th March 2015

Appeals (If Any):

21/00005/REFU - Construction of 2 new dwellings.
DIS - 25th June 2021

21/00075/NONDET - Deed of Variation to S106 agreement relating to 4/03481/15/MFA
INPROG -

4/02986/15/FUL - Development Appeal
- 17th August 2016

4/02987/15/FHA - Development Appeal
- 17th August 2016

4/01123/15/FUL - Development Appeal
- 17th August 2016

4/02089/01/CAC - Development Appeal
- 4th September 2002

7. CONSTRAINTS

Flaunden Conservation Area
Green Belt
Former Landuse
Source Protection Zone
SSSI Impact Risk Zones
LHR Wind Turbine
15.2 m Air Dir Limit
ADV – Area of special control for adverts
CIL 2

8. REPRESENTATIONS

Consultation responses

- 8.1 There were no consultee responses from Legal Services or Strategic Planning and Regeneration. There is no requirement to consult with the Parish Council for VAR applications. Despite not being consulted the Parish Council did make a comment on this application while commenting on another application for this site – see Appendix A.

Neighbour notification/site notice responses

- 8.2 There was no neighbour notification or site notice for this application and no neighbour comments on this application.

9. 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
CS5 - The Green Belt
CS7 - Rural Area
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS14 - Economic Development
CS17 - New Housing
CS25 - Landscape Character
CS27 - Quality of the Historic Environment

CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 81,110
Appendices 3 and 5

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)

10. CONSIDERATIONS

Policy Matters

- 10.1 The Planning Practice Guidance (PPG) states that planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. Where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application may be made to the local planning authority to change the obligation where it “no longer serves a useful purpose” or would continue to serve a useful purpose in a modified way.
- 10.2 Section 106A (6) of the TCPA 1990 as amended states that where an application is made to an authority under subsection (3), the authority may determine—
- that the planning obligation shall continue to have effect without modification;
 - if the obligation no longer serves a useful purpose, that it shall be discharged; or
 - if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
- 10.3 The Section 106 agreement is dated 28th June, 2016.
- 10.4 A subsequent application for full planning permission for the conversion of an agricultural barn to form a pair of semi-detached dwellings comprising a two-bedroom unit for a Stable manager with associated tack storage, lockable Office and a one bedroom dwelling for open market Housing was granted and required a deed of variation which was agreed on 23rd March, 2017.
- 10.5 The planning obligation is over 5 years old so an application may be made to the local planning authority to change the obligation.

Assessment against aims of MFA

10.6 The proposed changes to the wording of the Section 106 agreement would be contrary to condition 9 from the 4/03481/15/MFA for Conversion of existing agricultural barn to form a 4 bed detached dwelling; conversion of existing agricultural barn to form a 2 bed detached dwelling with manager's office; single storey rear extension to coach house; and refurbishment and improvement of existing stables.

9. **The occupation of the two bed conversion shall be limited to a person solely or mainly working at the stables located immediately north-east of the dwelling or a widow or widower of such a person and to any resident dependants.**

Reason: For the avoidance of doubt and to ensure that the stables opposite will be retained and offered to local people for the stabling of their horses. The two bed conversion will help support the rural economy and maintenance of the wider countryside. To ensure compliance with CS 5.

Equine Business Plan

10.7 In order to support the loss of the subject site from the overall equestrian use previously approved the agent has submitted an Equine Business Plan.

10.8 The aim is to change the use from commercial equestrian to retired horses (8-12). This change of use would mean less requirement for land and stable buildings

10.9 The main issue to consider is that under the MFA the only reason that the two barn conversions were granted was under the proviso that the equestrian use on the site be maintained/re-established. This proposal suggests a modification to this use to a less intensive use which would change the use of the site and the existing buildings.

Loss of the tie barn 2 for the manager's cottage

10.10 This was also a key matter for the approval of the MFA – the tie had been attached to The Coach House previously and was moved to Barn B to allow The Coach House to become a free market house and to allow the manager to be closer to the U shaped stables.

10.11 The Agent states that there is no evidence that a Manager must live on site and yet during the discussions and negotiations for the MFA including consultation with the British Horse Society it was considered a fundamental requirement for the re-establishment of the equestrian use that the manager lived on site.

Changes to the Section 106 agreement

10.12 The changes to the Section 106 agreement are very broad – Section 106 agreements need to be very specific as they are legal agreements binding land owners to a particular agreement.

10.13 It is considered that the proposed changes are too general and wide ranging in nature to be covered under a VAR application and would benefit from a new MFA application including an amended holistic approach for this large piece of land within the Green Belt and Flaunden Conservation Area.

11. CONCLUSION

11.1 In conclusion it is considered that the suggested wording of the legal agreement is very broad – legal agreements need to be detailed, clear and concise and that a VAR is not the correct type of application to achieve what is in essence an amendment to the original MFA application – a change of use.

12. RECOMMENDATION

12.1 It is recommended that the application be refused based on the following:

- The changes to the legal agreement would undermine the very special circumstances which were considered to make the proposal acceptable in the Green Belt;
- Suggested wording of the legal agreement very broad – legal agreements need to be detailed, clear and concise; and
- Incorrect type of application to achieve what is in essence an amendment to the original MFA application.

Reason(s) for Refusal:

The changes to the legal agreement would undermine the very special circumstances which were considered to make the proposal acceptable in the Green Belt.

Suggested wording of the legal agreement very broad - legal agreements need to be detailed, clear and concise.

Incorrect type of application to achieve what is in essence an amendment to the original MFA application.

The proposed changes would be contrary to Policy 5 of the Core Strategy.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Flaunden Parish Council	<p>PLANNING APPLICATION: 21/04414/ROC</p> <p>Honeysuckle Barn, Birch Lane, Flaunden, Hertfordshire HP3 0PT</p> <p>Removal of condition 9 (occupation of dwelling conditions) attached to planning permission 4/03481/15/MFA (Conversion of existing agricultural barn to form a 4 bed detached dwelling; conversion of existing agricultural barn to form a 2 bed detached dwelling with manager's office; single storey rear</p>

extension to coach house; and refurbishment and improvement of existing stables.)

Flaunden Parish Council has reviewed the Planning Statement that is referred to in planning application 21/04414/ROC as well as the parallel documentation relating to the request for a Deed of Variation to the S106 Agreement relating to 4/03481/15/MFA.

Dacorum granted permission for the above conversion of an "...existing agricultural barn to form a 2 bed detached dwelling with manager's office..." on 5 July 2016 (4/03481/15/MFA) applying 13 conditions, condition 9 reiterates that the condition is in place to help support the rural economy and maintenance of the wider countryside:

"The occupation of the two bed conversion shall be limited to a person solely or mainly working at the stables located immediately north-east of the dwelling or a widow or widower of such a person and to any resident dependants.

Reason: For the avoidance of doubt and to ensure that the stables opposite will be retained and offered to local people for the stabling of their horses. The two bed conversion will help support the rural economy and maintenance of the wider countryside. To ensure compliance with CS 5."

This remains the case today as much as it did in 2015.

The original planning permission, reference 4/03481/15/MFA was justified by the applicant at the time (see page 3 of their Design and Access Statement) as follows:

"The purpose of the Section 106 UU would be to ensure that the two other existing stables buildings which contain up to 16 stables would be retained in that form and available for equestrian use in perpetuity, and managed from the office in barn (b) together with ensuring that the associated menage and fields within the applicant's ownership would be retained for associated equestrian uses such as exercising and feeding horses. This would then respond positively to the requirements of Policy CS5 in the 2013 Core Strategy that the rural economy and maintenance of the wider countryside be supported through any such conversion proposal."

Planning obligations run with the land and therefore bind 'successors in title'. They are durable obligations and are not designed to be continuously changed to meet specific short term business needs. The Unilateral Undertaking dated 28 June 2016, entered into as part of the original planning permission reference 4/01658/16/FUL specifically required that 'The owner and its successors in title' (clause 16) undertake that 'In the event that planning permission is granted to the owner to carry out the development the owner and their successors will in perpetuity' not do various things (i.e. the owner covenants described in clause 16(b)).

With regards to the proposed rewording included in the parallel Deed of Variation the clause 1.4 "...to form a detached open market dwelling; single-storey extension to coach house; refurbishment and improvement of existing stables." And deleting clauses 1.7 and 16 (b)(ii) all referring to the use of Tie Barn 2 as a manager's cottage demonstrates the constant attempts to seek to maximise the residential value and minimise the equestrian value of the facility, this latest proposal being yet a further step away from operating it as originally intended as a commercial enterprise with 16 stables and associated equestrian facilities.

The deed of variation signed on 23 March 2017 in association with permissions 4/01658/16/FUL and 4/02937/16/FUL amended the UU to facilitate the larger loose-box barn to change to two dwellings rather than the single dwelling permitted in 2016; and the tied barn 2 to change to a 2 bed stable manager's dwelling and a one bed market dwelling rather than the stable manager's dwelling permitted in 2016. No changes were made to the clauses relating to the paddocks, menage or stables however.

Whilst S106A of the Town & Country Planning Act 1990 (as amended) allows S106 planning obligations to be modified, retained or discharged upon application to amend them, that is not the same as saying that they ought to be modified or discharged because they are suddenly inconvenient. The NPPF makes clear at paragraph 54 that "*planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition*". In providing a UU that restricted the use of the land and stable blocks in perpetuity in 2016, it is evident the importance that was placed on the protection of the equestrian use of the site at the time. The need for the restrictions in the UU has not gone away – the facilities are still needed for 'equestrian stables and associated equestrian uses' – the proposals are simply seeking to justify a residential permission that will effectively remove the protected stabling by another means.

It is worth recalling that the Development Management Committee Agenda from 7 April 2016, Item 13 (the item where the 2016 permission was debated) recorded a number of objections to the scheme at that time, including objections that predicted that the developers would simply apply for a deed of variation to allow them to further develop the land in due course.

This is exactly what happened with the applicant's 2020 application to infill two dwellings. Permitting the changes to the deed of variation and the removal of condition 9 would open up the entire land holding to the risk of non-equestrian development. It remains the opinion of the Parish Council that the applicant is attempting to steadily chip away at the equestrian use of the site, initially through the development of residential conversions. To permit this application would only serve to ensure that the site becomes more vulnerable to inappropriate development, whilst at the same time endorsing the loss of a valued local facility, contrary to Core Strategy policy CS5 and the now revoked Local Plan policy 110.

Policy CS5 (Green Belt) within the Adopted Core Strategy states that

limited extensions to existing buildings and the appropriate reuse of permanent, substantial buildings will be permitted provided that (i) it has no significant impact on the character and appearance of the countryside; and (ii) it supports the rural economy and maintenance of the wider countryside.

Policy 110 was referred to in the 2015 refusal for the conversion of other stables at the property, as noted above, and it provided guidance as to the uses rural buildings should be put to first before being considered for housing. However, Core Strategy policy CS5, also referred to in the refusal from 2015, makes clear that reuse of buildings in the Green Belt should support the rural economy and maintain the wider countryside, thus making clear that the rural economy is still critically important and a material planning consideration in the determination of this application.

The existing character of the site is defined by its equestrian use – the importance of this is highlighted by the UU which restricts any unrelated use or development. It is clear that this equestrian use is significant both to the rural character of the Green Belt, but also to the character of the Flaunden Conservation Area.

It is very important to the local community that this fact is not lost in the consideration of this application and the purpose of the UU is not lost due to the incremental nature of these successive applications, each of which erodes the continuing justification for the UU.

Condition 9 is necessary to protect the future viability of the equestrian business on this site. Removing Condition 9 and accepting the proposed changes to the Deed of Variation, takes away the support for the rural economy, harms the Green Belt and also impacts on the character of the countryside, therefore these cannot be justified.

Allowing a deed of variation to the unilateral undertaking would undermine the reason for the obligations being offered in the first place.

Flaunden Parish Council strongly recommends **REFUSAL** of this application.

ITEM NUMBER: 5g

22/01442/FUL	Change of use of ground floor (with basement) from Class E(a) retail, to Sui Generis, café serving alcohol	
Site Address:	97 High Street Hemel Hempstead Hertfordshire HP1 3AH	
Applicant/Agent:	Mrs Claire Hobson	Mr Mark Biddiss
Case Officer:	Sally Robbins	
Parish/Ward:	Hemel Hempstead Town	
Referral to Committee:	Applicant is a DBC Councillor.	

1. RECOMMENDATION

That planning permission be **GRANTED**

2. SUMMARY

2.1 The proposed development is acceptable in principle, noting the site's location within the town centre of Hemel Hempstead. The proposed change of use from Class E (retail) to Sui Generis (café serving alcohol) is supported by Policies CS4 and CS16 of the Core Strategy. There would be no detrimental impact upon designated heritage assets, nor would the proposed change of use cause harm to the residential amenity of surrounding properties, to accord with Core Strategy Policies CS27 and CS12 and Saved Policies 119 and 120 of the Local Plan.

3. SITE DESCRIPTION

3.1 The application site comprises a Grade II listed building and is located on the east side of the High Street in Hemel Hempstead old town, within the Conservation Area. The site comprises a retail unit at ground floor level with residential units above. The surrounding area comprises a mix of uses, including residential, retail, cafes/restaurants and drinking establishments.

4. PROPOSAL

4.1 The application seeks full planning permission for the change of use of the ground floor and basement unit from Class E (retail) to Sui Generis (café serving alcohol). The hours of use would be: 08:00 - 23:00 Mondays to Fridays; 09:00 - 23:00 on Saturdays; and 09:00 - 22:00 on Sundays and Bank Holidays.

5. PLANNING HISTORY

Planning Applications

22/01443/ADV - Facsia and hanging board signs
Pending Decision

4/02214/08/FUL - Change of use of ground floor and basement from retail (A1) to employment agency (A2)
GRA - 22nd December 2008

4/01110/03/FUL - Change of use of ground and basement from retail to residential
GRA - 3rd July 2003

4/01152/98/FUL - Change of use on ground floor and cellar from retail and storage to residential
GRA - 4th September 1998

6. CONSTRAINTS

Area of Archaeological Significance: 36
CIL Zone: CIL3
Hemel Hempstead Conservation Area
Listed Building, Grade: II,
Parish: Hemel Hempstead Non-Parish
RAF Halton and Chenies Zone: Yellow (45.7m)
Residential Character Area: HCA14
Smoke Control Order
Parking Standards: New Zone 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (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
CS16 - Shops and Commerce
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Parking Standards Supplementary Planning Document (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

Principle of Development
Impact on Heritage Assets
Impact on Residential Amenity
Impact on Highway Safety and Parking.

Principle of Development

9.2 The site resides within the town centre of Hemel Hempstead, which is the focus for homes, jobs and services. Policy CS4 of the Core Strategy supports a mix of uses in town centre locations, including shopping uses, catering establishments, leisure and social uses. As a result of the change of use, the town centre would lose a retail unit. Policy CS16 of the Core Strategy does seek to retain sufficient existing shops in the town centre. However, it goes on to state that diverse evening economy in the town centres will be supported, provided that their social and environmental impacts are controlled. Furthermore, the current use of the unit (Class E) does cover a wide range of uses, including catering establishments.

9.3 Taking all of the above into account, it is considered that the proposed development is acceptable in principle. There is no objection to the loss of the retail unit and the proposed café serving alcohol is supported by Policy CS16. The main issues of relevance relate to the impact on heritage assets, the impact on residential amenity of surrounding properties and the impact on highways safety / parking.

Impact on Heritage Assets

9.4 The site is located within Hemel Hempstead Conservation Area, wherein Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to have special regard for preserving or enhancing the character and appearance of conservation areas. This is further supported by Core Strategy Policy CS27, Saved Policy 120 of the Local Plan and the NPPF.

9.5 The application site comprises a Grade II listed building. Saved Policy 119 of the Local Plan states that changes of use and the need for them must be compatible with the fabric, interior and setting of the listed building. Consideration must be given to Section 66 of the Act, which requires local authorities to have special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest that they possess.

9.6 There will be no physical changes to the fabric of the building as a result of the proposed development. The submitted plans show that internally the shop floor would be repurposed as a café providing seating at ground floor level. Externally, the fascia and hanging board signs would be changed, however these are the subject of a separate advertisement consent application (ref. 22/01443/ADV). The signs would not be illuminated and the Conservation Officer has raised no objection to their design.

9.7 Regarding the change of use, the Council's Conservation Officer has raised no objection to the proposal, however did query whether any changes are proposed to the basement. The applicant has been informed that any such changes to the fabric of the listed building would require listed building consent. It is confirmed that the subject of this application is solely for the change of use of the retail unit.

9.8 Taking all of the above into account, it is considered that the proposed change of use is acceptable in terms of its impact on heritage assets. The proposal will protect and conserve the integrity, setting and distinctiveness of the listed building and conservation area, to accord with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Policy CS27 of the Core Strategy and Saved Policies 119 and 120 of the Local Plan.

Impact on Residential Amenity

9.9 Policy CS12 of the Core Strategy states that new development should, amongst other things, avoid disturbance to properties in the surrounding area. An objection has been received from one of the neighbouring residential properties regarding light / noise pollution and querying the necessity of the proposed café in the locality.

9.10 In accordance with Policy CS4, a mix of uses is sought in the town centre and catering establishments are encouraged. Looking at the surrounding area, the High Street comprises a variety of business uses including a range of retail shops, restaurants, hairdressing/barber salons, professional services and drinking establishments. Whilst the proliferation of any one type of catering establishment is discouraged, it is not considered that the proposed development would result in such an abundance of cafés to warrant refusal on those grounds. The High Street would retain a predominant shopping function with an appropriate mix of shops and services. It is therefore not considered that an objection could be sustained regarding the necessity of the proposed café in this location.

9.11 In terms of light and noise pollution, the Council's Environmental Health Officer has been consulted and raised no objection on the grounds of noise, odour or air quality, subject to the inclusion of informative notes regarding waste management and construction working hours.

9.12 In addition, there would be no outdoor seating and the opening hours would be restricted to the following: 08:00 - 23:00 Mondays to Fridays; 09:00 - 23:00 on Saturdays; and 09:00 - 22:00 on Sundays and Bank Holidays.

9.13 It is considered that the above measures are adequate to ensure that the social and environmental impacts are controlled, to accord with Policy CS16. Bearing in mind the town centre location, within which a mix of uses is supported, and taking all of the above into account, it is considered that the proposed change of use will not give rise to significant noise and disturbance to neighbouring residential properties. The proposal therefore complies with Policy CS12 in that regard.

Impact on Highway Safety and Parking

9.14 There is currently no parking provision on site and there would be none provided for the proposed development. Taking into account the town centre location, within close proximity to public car parks, it is not considered that the proposed change of use would have a detrimental impact on local parking provision. There would be a parking shortfall when assessed against the Parking Standards Supplementary SPD (2020), however there is currently a shortfall in relation to the existing use. There are short-stay parking bays immediately outside the shop and further along the High Street and a longer stay car park within close proximity. The site resides within a sustainable centre location and it is therefore considered that there will be no harmful impact on local parking provision. Nor would it have an impact on highway safety. The proposed development therefore complies with Core Strategy Policy CS12.

Other Material Planning Considerations

9.15 None

Response to Neighbour Comments

9.16 These points have been addressed above.

Community Infrastructure Levy (CIL)

9.17 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The application site resides within CIL Zone 3, however the application is not CIL liable.

10. CONCLUSION

10.1 The proposed change of use from Class E (retail) to Sui Generis (café serving alcohol) is considered to be acceptable, having regard to the impact on heritage assets and the residential amenity of the surrounding area. The proposal therefore complies with Core Strategy Policies CS4, CS12, CS16 and CS27, Saved Local Plan Policies 119 and 120 and the relevant sections of the NPPF.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED**.

Conditions and Reasons:

- 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 use hereby permitted shall not take place other than between the hours of:**

- (a) 08:00 - 23:00 Mondays to Fridays;**
- (b) 09:00 - 23:00 on Saturdays;**
- (c) 09:00 - 22:00 on Sundays and Bank Holidays.**

Reason: To protect the residential amenities of the locality in accordance with to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

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

**LOCATION PLAN
01 PLANS AND ELEVATIONS**

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

Informatives:

- Working Hours: Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

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

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

2. Construction Dust: 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.
3. Waste Management: Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
4. 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
Conservation & Design (DBC)	<p>The application site is grade II listed and lies within the Hemel Hempstead Conservation Area.</p> <p>There is no objection to the change of use from retail to a cafe.</p> <p>However, can it be confirmed that the existing and proposed basement plans are the same. If any changes are required to the fabric of the listed building as part of this change of use then LBC will be required.</p>
Environmental And Community Protection (DBC)	<p>CONTAMINATED LAND:</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</p>

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.

NOISE, ODOUR & AIR QUALITY:

With reference to the above planning application, please be advised Environmental Health would have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management and construction working hours with Best Practical Means for dust, which we respectfully request to be included in the decision notice.

Working Hours Informative: Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

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

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

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.

Waste Management Informative: Under no circumstances should waste produced from construction work be incinerated on site. This includes

	but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
32	1	0	1	0

Neighbour Responses

Address	Comments
82 High Street Hemel Hempstead Hertfordshire HP1 3AQ	Regarding the proposed change of use and application for grant of a Premises Licence at the above address I would like to object. As much as premises already exist in the High Street providing the proposed services (so such are not required by another provider) I am concerned that the proposed use will cause both noise and light pollution in an otherwise quiet environment.

ITEM NUMBER: 5h

22/01443/ADV	Facsia and hanging board signs	
Site Address:	97 High Street Hemel Hempstead Hertfordshire HP1 3AH	
Applicant/Agent:	Mrs Claire Hobson	Mr Mark Biddiss
Case Officer:	Sally Robbins	
Parish/Ward:	Hemel Hempstead Town	
Referral to Committee:	The applicant is a DBC Councillor.	

1. RECOMMENDATION

That advertisement consent be **GRANTED**

2. SUMMARY

2.1 The proposed fascia sign and hanging signboard are acceptable in terms of their visual impact and impact on highway safety. The proposed advertisement signs comply with Saved Policy 112 of the Dacorum Local Plan (2004), Dacorum's Supplementary Planning Guidance for Advertisements (2004) and the NPPF (2021).

3. SITE DESCRIPTION

3.1 The application site comprises a Grade II listed building and is located on the east side of the High Street in Hemel Hempstead old town, within the Conservation Area. The site comprises a retail unit at ground floor level, which is the subject of a concurrent change of use application (ref. 22/01442/FUL - Change of use of ground floor (with basement) from Class E(a) retail, to Sui Generis, café serving alcohol).

4. PROPOSAL

4.1 The application seeks advertisement consent for the following:

- A: Fascia board above the shopfront measuring 2m x 0.3m
- B: Hanging sign measuring 0.8m x 0.8m

4.2 The proposed signs would not be illuminated. The proposed advertisements would also require Listed Building Consent, however this application is solely for advertisement consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. PLANNING HISTORY

Planning Applications

22/01442/FUL - Change of use of ground floor (with basement) from Class E(a) retail, to Sui Generis, café serving alcohol
Pending-

6. CONSTRAINTS

Area of Archaeological Significance: 36
 CIL Zone: CIL3
 Hemel Hempstead Conservation Area
 Listed Building, Grade: II,
 Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Yellow (45.7m)
Residential Character Area: HCA14
Smoke Control Order
Parking Standards: New Zone 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (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

Saved Policy 112 - Advertisements

Supplementary Planning Guidance/Documents:

Supplementary Planning Guidance for Advertisements (2004)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

Impact on visual amenity of the area
Impact on highway safety

Impact on visual amenity of the area

9.2 Saved Policy 112 of the Dacorum Local Plan (2004) and Supplementary Planning Guidance for Advertisements (2004) state that advertisements should be sympathetic in size, appearance, design and position to the site on which it is displayed. Furthermore, Paragraph 136 of the NPPF (2021)

states that the quality and character of places can suffer when advertisements are poorly sited and designed.

9.3 The proposal comprises a new fascia board sign and hanging sign that would be composed of white letters on a grey background. The fascia board above the entrance would measure 2m wide by 0.3m high and the hanging board would measure 0.8m by 0.8m with a maximum projection of 1.5m from the principal elevation. The signage would not be illuminated. The Council's Conservation and Design Officer has been consulted and raised no objection to the proposal, noting that the signage scheme is restrained.

9.4 The proposed advertisement signs would not detract from the character and appearance of the surrounding area or have a detrimental impact in terms of visual amenity. The proposal is therefore in accordance with Saved Policy 112 of the Dacorum Local Plan (2004), the Supplementary Guidance for Advertisements (2004) and the NPPF (2021).

Impact on highway safety

9.5 The NPPF (2021) and Saved Policy 112 of the Local Plan (2004) seek to ensure that advertisement displays do not affect highway and pedestrian safety. Hertfordshire County Council, as Highway Authority, have been consulted and have raised no objection to the proposal, subject to the inclusion of relevant informative notes.

10. CONCLUSION

10.1 The proposed new signage would not be considered to have an adverse impact on the visual amenity of the surrounding area or on highway or pedestrian safety. The proposal therefore accords with Saved Policy 112 of the Dacorum Local Plan (2004), the Supplementary Guidance for Advertisements (2004) and the relevant sections of the NPPF (2021).

11. RECOMMENDATION

11.1 That advertisement consent be **GRANTED**

Conditions and Reasons:

1. **This consent is granted for a period of five years commencing on the date of this notice.**

Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. **(a) Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.**
(b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
(c) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
(d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(e) No advertisement shall be sited or displayed so as to: (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; coupled with the requirements of Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 132 of the National Planning Policy Framework (2019).

Informatives:

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.
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.
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.
4. Projecting signs: Notwithstanding any consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 177 of the Highways Act 1980 is required prior to the erection of any part of the projection or overhang into or over the public highway. Further information is available via the County Council's website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/oversail-licence-to-overhang-a-structure-on-a-public-road.aspx> or telephoning 0300 1234047.

5. Advertisement consent has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	No objection to this restrained signage scheme.
Hertfordshire Highways (HCC)	<p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.</p> <p>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>

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.

AN 4) Projecting signs: Notwithstanding any consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 177 of the Highways Act 1980 is required prior to the erection of any part of the projection or overhang into or over the public highway. Further information is available via the County Council's website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/oversail-licence-to-overhang-a-structure-on-a-public-road.aspx> or telephoning 0300 1234047.

Comments

The application is for the installation of fascia and hanging board signs at 97 High Street, Hemel Hempstead. High Street is a 20 mph unclassified local access route that is highway maintainable at public expense.

The new shop proposes a new projecting sign and fascia sign . HCC would note that our guidance states in section 4, 1.9; 3.1 Structures Over the Highway "The headroom to structures over the highway, such as bridges, lamp columns or archways, should be at least 5.3m. Structures over access roads to car parks or shared areas may be lower.

Assessment should be made on a case-by-case basis. The headroom to any obstacle within 450mm of a right of way shall be at least:

- 2.3m over a footway or footpath
- 2.4m over a cycle track
- 3.7m over a bridleway"

HCC observes that the sign projecting would be above the 2.3 metre stipulation and therefore is considered acceptable. The applicant must contact the council separately as per informative 4 above to finalise the erection of the projecting sign over highway land.

	HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore has no objections on highway grounds to the application.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
0	0	0	0	0

Neighbour Responses

Address	Comments

Agenda Item 5i

ITEM NUMBER: 5i

21/04741/FHA	Construction of single storey front and rear extensions	
Site Address:	Old Village Hall, 87 Flaunden, Flaunden, Hertfordshire, HP3 0PP	
Applicant/Agent:	Mr Jonathon Timlin	Mr Peter Timlin
Case Officer:	Jane Miller	
Parish/Ward:	Flaunden Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Contrary views of Flaunden Parish Council	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 The application site is located within the small village of Flaunden wherein the proposed development is acceptable in principle, in accordance with Policies CS1 and CS5 of the Dacorum Borough Core Strategy (2013).

2.2 The overall size, scale and design of the proposed alterations are acceptable, they relate well to the parent dwelling, and would not result in any harm to the character or appearance of the Flaunden Conservation Area. The works are not considered to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light. The proposals would not result in a significant loss of privacy.

2.3 Furthermore, it is not considered that the scheme would have an adverse impact on the road network or create significant parking stress in the area.

2.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS5, CS8 CS11, CS12, CS27 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

3. SITE DESCRIPTION

3.1 The application site is located on the north side of Flaunden. The site comprises a two storey historic building in the village. The Old Village Hall sits within the Green Belt and Flaunden Conservation Area.

3.2 The Old Village Hall sits adjacent to the highway, with Rose Cottage, a listed building, to the side/rear, however more generally the immediate area is characterised by larger buildings which are set back from the highway and benefit from off street parking provision. These include a number of large detached dwellings within generous plots, The Green Dragon PH, agricultural barns/structures and fields.

3.3 The highway is wide enough for two cars to pass each other when travelling in the opposite direction comfortably.

4. PROPOSAL

4.1 This application seeks permission for the construction of single storey front and rear extensions

5. PLANNING HISTORY

Relevant Planning Applications:

4/01224/78 - first floor side extension – GRANTED 24 October 1978

4/0828/79 - alterations to elevations previously permitted (ref 4/01224/78 dated 24 October 1978 – GRANTED 23rd July 1979

Appeals: None

6. CONSTRAINTS

CIL Zone: CIL2

Flaunden Conservation Area

Former Land Use (Risk Zone):

Green Belt: Policy: CS5

Heathrow Safeguarding Zone: LHR Wind Turbine

Listed Building, Grade: II,

Parish: Flaunden CP

RAF Halton and Chenies Zone: White (Any Development)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

EA Source Protection Zone: 2

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

Planning (Listed Buildings and Conservation Areas) Act 1990

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

Dacorum Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS5 – Green Belt

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS27 – Quality of the Historic Environment.
CS29 - Sustainable Design and Construction

Dacorum Local Plan

Appendix 3 – Layout and Design of Residential Areas
Appendix 7 – Small-scale House Extensions

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Parking SPD (November 2020)

9. CONSIDERATIONS

The main issues to consider are:

Policy / principle / Green Belt Assessment
The impact on the Conservation Area
The impact on the appearance of the existing building
The impact on the immediate street scene
The impact on residential amenity of neighbouring properties
Highway Safety

Principle of Development

9.1 The site is located within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.2 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

9.3 Paragraph 144 says 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.

9.4 Paragraph 145 states that a local authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) Buildings for agricultural and forestry
- b) 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;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;

- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) 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; or
 - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

9.5 Policy CS5 states that within the Green Belt, small-scale development will be permitted if it meets with one of the following exceptions:

- (a) building for the uses defined as appropriate in national policy;
- (b) the replacement of existing buildings for the same use;
- (c) limited extensions to existing buildings;
- (d) the appropriate reuse of permanent, substantial buildings; and
- (e) the redevelopment of previously developed sites, including major developed sites which will be defined on the Proposals Map.

provided that i) it has no significant impact on the character and appearance of the countryside; and ii) it supports the rural economy and maintenance of the wider countryside.

Green Belt Assessment

9.6 The NPPF considers an extension or alteration of a building as appropriate development provided it does not result in disproportionate additions over and above the size of the original building.

9.7 This application seeks permission for the construction of single storey front and rear extensions. Approximate dimensions for both extensions are 1m depth and 5m width. The front extension will sit below but not beyond an existing canopy and therefore not increase the existing footprint.

9.8 According to planning records a first floor side extension with carport below was granted under reference 4/01224/78, later amended under 4/0828/79 for this site, described as Flaunden Hall Cottage.

9.9 The current proposal will be compact and would not significantly extend the footprint of the existing dwelling or impact on the skyline. Whilst the historic plans are not clear, it is estimated that the property has previously been increased by approximately 55%. The current proposal would result in a very small additional increase over and above this. The front extension is contained within the existing building lines and is an in-fill. The rear is modest in size and viewed against the backdrop of the existing much larger two-storey property such that the proposals are considered proportionate. It is also considered that they would not cause any visual harm to openness in accordance with the above policy.

Impact on the historic environment and street scene

9.10 The site is located within the Flaunden Conservation Area and as such regard must be given to S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires

special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

9.11 The NPPF (2021) Section 16, paragraph 189 states that Heritage assets range from sites and buildings of local historic value to those of the highest significance These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

9.12 Conservation Areas are designated heritage assets.

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

9.14 Policy CS27 of the Core Strategy (2013) and Saved Policy 120 of the Dacorum Local Plan (2004) reinforces this, seeking to ensure that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced, with development positively conserving and enhancing the appearance and character of the Conservation Area.

9.15 More generally, Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 134 states permission should be refused for development of poor design especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.

9.16 Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials.

9.17 The proposal would result in a single storey front and rear extension. This would result in the infilling of the existing undercroft to provide for a dining room and office space. The agent advises that this space, open to the road, is currently used to house a workshop, building /garden stores, occasional car repairs, delivery goods and bins.

9.18 In respect of the front infill single storey element, this will sit below and no further forward than the existing canopy. Following concern from the conservation officer and Flaunden Parish Council, the planning officer requested and received amended plans which replaced the originally proposed ground floor arched windows with a window design to match the existing property (see drawing 3A). Further, the new doors, whilst wider are now more solid in appearance. The conservation officer has no objection to the amended drawings subject to materials matching the existing dwellings, secured by condition.

9.20 Whilst visible from the highway, the amended plans are considered acceptable in this part of the Flaunden Conservation Area.

9.21 A 1m single storey rear extension is also proposed at the rear approximately mirroring the width and positioning of the proposed front addition. Roof lights will be inserted into the mono-pitched roof and doors will open onto the existing patio area. This element is not visible from the highway.

9.22 In conclusion, having given great weight to the proposed alterations and the impact these would have on the character and appearance of the Conservation Area, subject to conditions it is considered that they would preserve its character. The development would therefore comply with saved Policy 120 of the Dacorum Local Plan, Policies CS12, CS12 and CS27 of the Dacorum Core Strategy (2013) and the NPPF (2021).

Impact on Residential Amenity

9.23 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.24 Overall, due to the height, positioning and separation distance between the proposed single storey extensions and surrounding dwellings houses it is considered that the proposal would result in no significant adverse impact on the residential amenity of the neighbouring properties when considering a loss of daylight, sunlight or privacy. It is therefore considered that the proposal accords with Policy CS12.

Other Considerations

Parking and access

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

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

9.27 It is acknowledged that Flaunden Parish Council object to the application on parking issues, see their full comments below.

9.28 The proposal will result in the infilling of an existing undercroft at The Old Village Hall

9.29 The Old Village Hall and the neighbouring properties have boundaries which extend right up to the road edge. The only paved area along the abutment length is in the ownership of the applicant, as shown within the red outline and confirmed by the completion of ownership certificate A on the application form.

9.30 To clarify the paving to the front of Old Village Hall is not a public footpath.

9.31 The proposal would result in the infill of the existing undercroft. In accordance with the Council's Parking Standards SPD (Nov 2020) the existing undercroft area provides for a single parking space only. This is because a parking space needs to be a minimum of 2.4m x 4.8m in size. Whilst two vehicles may currently park in this area, the space is not sufficient in size to meet the SPD dimensions and thus the proposals have been assessed on the basis of a net loss of a single space.

9.32 The proposal does result in the loss of the existing undercroft parking area such that no off-street parking would be retained. However sketch A shows available parallel parking provision

for up to 3 vehicles at the front of the dwelling on the site frontage/highway. The frontage of the site measures approximately 18m. There is already a wide dropped kerb, with a depth of approximately 2m to the proposed front elevation, at the entrance of the existing undercroft thereby enabling cars to mostly park off the highway and within the application site itself.

9.33 There are no parking restrictions along this section of Flaunden lane. Whilst not the case for the Old Village Hall, generally the immediate area is characterised by larger buildings which are set back from the highway and benefit from off street parking provision. This includes a number of large detached dwellings within generous plots; The Green Dragon, a public house, which has a large carpark; agricultural barns/structures; and fields, such that generally there is little on street parking pressure.

9.34 This was the case during the planning officer's site visit when the only vehicle parallel parked on this stretch of the highway, was the car outside the site, The Old Village Hall. It was noted that there was more than sufficient room for vehicles to easily pass the parked car. In addition as set out, there are no parking restrictions such that with the exception of the area adjacent to the dropped kerb, on-street parking is already possible.

9.35 Hertfordshire County Council Highways have advised that Flaunden lane is a 30 mph unclassified local access route and whilst they acknowledged that the proposal would result in the loss of a parking space within the undercroft, they commented that there is highway parking near the site which will slow down traffic and provides enough space for other vehicles to pass. Hertfordshire County Council Highway have no objection on highway grounds to the proposed development.

9.36 Overall, it is considered that the loss of a single parking space would not result in an unacceptable residual impact on highway safety.

Ground Contamination

9.37 Former land uses mean the site has the potential to be contaminated. property. The Council's scientific Officer has been consulted and has no objection on the grounds of land contamination. No additional investigations or conditions are required.

Tree and Hedges

9.38 Section 6 of the application form states that no trees or hedges are within falling distance of the proposed development and that no tree or hedges need to be removed or pruned in order to carry out the proposal. The proposal would not affect any significant trees/landscaping.

Bin Storage

9.39 Flaunden Parish Council object on the grounds of bin storage. It is acknowledged that infilling the undercroft would remove the existing bin storage area. However, there would remain sufficient space to the front of the property which could potentially accommodate bin storage. Given the site is located within the Conservation Area, a condition requiring details of the bins storage arrangement is considered necessary and reasonable to ensure a satisfactory appearance to the site/street scene.

Response to Neighbour Comments

9.40 No neighbour comments have been received.

Response from Town Council

9.41 Objection addressed in report.

CIL Liable

9.42 Policy CS35 of the Core Strategy 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 was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

No (below 100sqm)

Chiltern Beechwood Special Area of Conservation (SAC)

9.43 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.

9.44 A screening assessment has been undertaken and no likely significant effect is considered to occur to the CB SAC therefore an appropriate assessment is not required in this case.

10. RECOMMENDATION

10.1 That planning permission

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

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

3. **Prior to the first use of the extensions hereby approved details of the provisions for the storage and recycling of refuse have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first use and shall thereafter be made permanently available for the occupants of the dwelling.**

Reason: To safeguard the residential and visual amenities of the locality, protect the environment and prevent obstruction to pedestrian movement in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004) and Policies CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

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

1 site location plan

3 A proposed plans, elevation and section (received 14.02.2022)

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 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. Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

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

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

Waste Management Informative

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	This is a historic building in the centre of the village. The oldest part of the building from reviewing the brickwork would appear to be the right

	<p>hand bay. Adjacent to this there is what would appear to be a second phase single storey element up to the garage. Above this the first floor and garage element appear to be of one period.</p> <p>At present there would be some car parking in the garage area. The planning officer should decide if there would be a parking issue with its loss.</p> <p>In relation to the design we would not object to the infilling of the garage area. The proposed amendments to the design now mean that the proposal would be considered in keeping and preserve the character of the conservation area. Therefore we believe that the proposal would be considered acceptable.</p> <p>Recommendation: The proposals are acceptable. Materials to match existing and as shown on the application.</p>
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><u>Highway Informatives</u></p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.</p> <p>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.</p>

	<p>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 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><u>Comments</u></p> <p>The proposal is for the construction of single storey front and rear extensions at Old Village Hall, 87 Flaunden Hill, Flaunden. Flaunden Hill is a 30 mph unclassified local access route that is highway maintainable at public expense.</p> <p><i>Vehicle Access</i></p> <p>The existing dwelling has a dropped kerb which serves potential on site parking for the dwelling. This on site parking will be turned into a dining room and an office and will mean that the site will no longer have on-site parking. There is highway parking near the site which will slow down traffic and provides enough space for other vehicles to pass. Parking is a matter for the local planning authority and therefore any parking arrangements must be agreed by them. No work should be completed on the adopted highway network.</p> <p><u>Conclusion</u></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>
Flaunden Parish Council	<p>Original Comments;</p> <p>The Parish Council has major areas of concern regarding this application, which are:</p> <ul style="list-style-type: none"> o Infilling two existing off-street car parking spaces and the adverse impact this will have on the highway and road safety. o More vehicles parking on the road, where there is no public footpath, which is hazardous to all road users, particularly

pedestrians. Dacorum's Parking Standards state that the starting principle is that all parking demand for residential development should be accommodated on site. Heritage or planning statements have not been provided with this planning application, nor have the applicants provided appropriate evidence for consideration by the Council to justify the removal of the two parking spaces and lack of provision for parking.

Having reviewed the amended Plans and Drawings, no justification has been made for the removal of the two parking spaces that the property currently benefits from. The site does not have a driveway and removing the parking area will mean there is no on-site parking for this 4-bedroom property.

Section 8 of the Application Form refers to section 3 (see below) and states that there is no change to the existing parking arrangements, but this is clearly not the case. The addition of a single storey extension where the carport is sited, will remove all off-street parking facilities for this property.

Section 3 (Description of Proposed Works) of the Application Form states that:

"The proposed works provide internal alterations to provide a dining room and Office/Work space in place of the present storage shed/general storage/car repair and House maintenance." ... "The area can be accessed from the main Road and is thought to be an historic arrangement to allow village Hall visitors to park and passes under the first floor of the building. The parking space is now the house garden and is blocked off at the rear of the house. Access to the main road is made unsafe by there being no sight access to the west onto the main road because of neighbour's site ownership restriction.

An unusual feature of the applicants site ownership is that it extends to the kerb of the road i.e. there is no public pavement across the house frontage ... the existing stone pavement belongs to the applicant. If necessary this could provide dedicated lateral parking. In practical terms in this rural area, on road parking is seen to be the safest solution. There is public paving on the other side of the main road."

Contrary to the applicant's statement above, there is no public paving on either side of the road outside of The Old Village Hall. The Parish Council have provided photos of both sides of the road for clarification purposes. On-road parking would result in pedestrians walking in the middle of the road to avoid the parked cars, making it hazardous for pedestrians and horse riders. Nor is there enough frontage to provide dedicated lateral parking.

We believe the planning policy quoted below on provision of parking for new homes, should also be relevant in regard to the removal of parking facilities at existing properties.

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. Policy CS12b) specifically requires that on each site, development should provide sufficient parking and sufficient space for servicing.

The Parking Standards Supplementary Planning Document (2020) outlines the Council's car parking standards, noting that a four-bed dwelling in this rural location would be expected to provide 2 off-street car parking spaces. This proposal has not taken on board these policies and standards, and if agreed, would generate highway and pedestrian safety concerns. Removing any off-street car parking provision would fail to secure sufficient parking provision for future occupiers of the site.

Consideration has not been given to the fact there is no off-street parking available in this part of the village of Flaunden, further vehicles on this very narrow road are likely to inhibit the movement of refuse vehicles or emergency services and obstruct visibility requirements. Having more cars parked on the road will increase congestion and adversely impact highway safety. The properties in the surrounding area all have provision for private parking off-road. The additional vehicles on the road would affect the setting of the neighbouring listed buildings within the Conservation Area.

The property is over 200 years old and was Flaunden's former Village Hall, as such contributes to the character and appearance of the Conservation Area and therefore forms part of its significance. We are also concerned about the design of the windows and door in the proposed extension, which do not relate in style to the rest of the property or adjacent listed property. It is therefore, the opinion of the Parish Council that the design and appearance of the proposed extension is considered to be inappropriate and does not contribute positively to the Flaunden Conservation Area.

Flaunden Parish Council strongly recommends refusal of this application.

Additional Comments:

PLANNING APPLICATION: 21/04741/FHA (Re-consultation)

The Parish Council has reviewed the Parking Stress survey as well as

	<p>version 3A of the proposed plans that have been submitted. Contrary to what is stated in the Parking Stress survey, the car port is regularly used for the parking of two cars. Furthermore, the survey does not redress the fact that there is not enough frontage to provide dedicated lateral parking. Sketch B indicates that cars could be parked on the pavement, but the pavement isn't wide enough for a car, as proven in the image below (taken from Google Street View - January 2021).</p> <p>The applicant states that "no other method other than roadside parking may have been used since conversion of the building to a residence many years ago." However, when the property was listed on Rightmove in October 2015 there is a photo showing two cars in the car port, so this statement is incorrect:</p> <p>In the photo below (taken in the last few days), you can see quite clearly that two cars are kept in the car port and another car is parked just outside the property.</p> <p>The Parish Council would like to point out that by infilling the car port it would remove any access to the rear of the property and bins would need to be brought through the house, there would be no suitable storage area at the front of the building.</p> <p>We are also concerned about the design of the windows and the double door in the proposed extension, which do not relate to the style of the property or adjacent listed property and as a result do not contribute positively to the Flaunden Conservation area.</p> <p>Flaunden Parish Council maintains that the comments stated in their response dated 27 January 2022 still stand, and strongly recommends refusal of this application.</p>
<p>Conservation & Design (DBC)</p>	<p>This is a historic building in the centre of the village. The oldest part of the building from reviewing the brickwork would appear to be the right hand bay. Adjacent to this there is what would appear to be a second phase single storey element up to the garage. Above this the first floor and garage element appear to be of one period.</p> <p>At present there would be some car parking in the garage area. The planning officer should decide if there would be a parking issue with its loss.</p> <p>In relation to the design we would not object to the infilling of the garage provided that the materials match the existing. However it may be useful to tie in with the overall composition of the building as it already has at least three phases of development. It would therefore be recommended that the windows to the infill area match the existing rather than the proposed arched windows. It may also be useful to consider having applied leading to the lights. In relation to the door it may be beneficial to have the lower two- three panels of the door being solid. This is to relate to the traditional design style of the building. It</p>

	<p>may also be beneficial being a more practical solution given that the road is adjacent a reasonably busy.</p> <p>Recommendation: We would recommend that the above design points be reviewed.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Contamination</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>noise, odour and air quality - received 10.02.2022</p> <p>With reference to the above planning application, please be advised Environmental Health have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management and construction working hours with Best Practical Means for dust, which we respectfully request to be included in the decision notice.</p> <p><i>Working Hours Informative</i></p> <p>Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p><i>Waste Management Informative</i></p> <p>Under no circumstances should waste produced from construction work</p>

	be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
3	0	0	0	0

Neighbour Responses

Address	Comments

Agenda Item 5j

ITEM NUMBER: 5j & 5k

22/01176/FHA & 22/01284/LBC	Demolition of existing garden sheds and construction of garden office/workshop.	
Site Address:	65 St Johns Road Hemel Hempstead Hertfordshire HP1 1QQ	
Applicant/Agent:	William Allen	
Case Officer:	Briony Curtain	
Parish/Ward:	Hemel Hempstead (No Parish)	Boxmoor
Referral to Committee:	Applicant is an elected member	

1. RECOMMENDATION

That planning permission (22/01176/FHA) and listed building consent (22/01284/LBC) be GRANTED.

2. SUMMARY

2.1 The site is situated within a well-established residential area of the town of Hemel Hempstead wherein appropriate residential development is encouraged in accordance with Policy CS4 of the Core Strategy. The proposed outbuilding will not harm the setting or special character, appearance and historic interest of this Grade II listed Building so would have a neutral impact on the heritage asset. There would be no harm to the site, surrounding area, residential amenities of surrounding properties or highway safety.

2.2 The proposal complies with Policies CS4, CS11, CS12 and CS27 of the Core Strategy 2013 and section 16 of the NPPF.

3. SITE DESCRIPTION

3.1 The site is occupied by a semi-detached Grade II listed building located on St Johns Road in Hemel Hempstead, opposite its junction with Puller Road. The surrounding area is predominately residential in character.

3.2 The site currently comprises two timber sheds in storage use.

4. PROPOSAL

4.1 Planning permission and listed building consent are proposed for the demolition of the existing sheds and the construction of an office/workshop garden building. Occupying the same area and a very similar footprint to the existing sheds, the outbuilding will comprise 'L' shaped pitched roof with a small front gable.

4.2 The outbuilding will be constructed of black shiplap timber cladding on a brick plinth with red roof tiles. The main part of the building will be used as a workshop/office space with a smaller storage (bike/mower) area to the north.

5. PLANNING HISTORY

Planning Applications :

4/02267/19/LBC - Retention of existing shed in Garden.
GRA - 19th December 2019

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

GRA - 19th December 2019

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

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

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

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

6. CONSTRAINTS

CIL Zone: CIL3
Former Land Use (Risk Zone):
Heathrow Safeguarding Zone: LHR Wind Turbine
Listed Building, Grade: II,
Parish: Hemel Hempstead Non-Parish
RAF Halton and Chenies Zone: Yellow (45.7m)
Residential Character Area: HCA7
Parking Standards: New Zone 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (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

CS27 – Quality of Historic Environment
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, impact on heritage asset and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The application site is located within a residential area of the town of Hemel Hempstead wherein appropriate residential development is encouraged in accordance with Policy CS4 of the Core Strategy 2013. The proposal is thus acceptable in principle subject to a detailed assessment of its impact

Quality of Design / Impact on Visual Amenity

9.3 The main issue of relevance to the consideration of this application relate to the impact of the proposed works on the character and appearance of the Grade II listed building at No. 65 St Johns Road.

9.4 Regard must be given to the statutory tests of preserving or enhancing the setting of Listed Buildings under Sections 72 and 66 of The Planning (Listed Building and Conservation Areas) Act 1990.

9.5 Paragraph 197 of the NPPF (2021) states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 199 of the NPPF outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation. Paragraph 201 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 202 states that this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.6 Policy CS27 of the Core Strategy 2013 favours the conservation of heritage assets. The integrity, setting and distinctiveness of designated heritage assets will be protected.

9.7 Policy 119 of the Dacorum Local Plan (2004) states that every effort will be made to ensure that any new development liable to affect the character of a listed building will be of such a scale and

appearance, and will make use of such materials, as will retain the character and setting of the listed building.

9.8 The design and appearance of the proposed home office is considered acceptable and is in keeping with the character and appearance of the setting of the listed building. The proposals are therefore concluded to have a neutral impact on the heritage asset (listed building). In the absence of any harm no public benefits are required to justify the proposals.

9.9 Given its siting to the rear the outbuilding would not be visible from public vantage points so would have no impact on the character or appearance of this part of the St Johns Road street scene. The design and finishes of the building, together with its modest scale and the fact it is replacing existing sheds of a very similar footprint means it is considered appropriate for the plot, would retain sufficient amenity land and would not appear cramped or overdeveloped.

9.10 The proposal complies with Section 16 of the NPPF, Policies CS11, CS12 and CS27 of the Core Strategy 2013 and saved Policy 119 of the Dacorum Borough Local Plan.

Impact on Residential Amenity

9.11 The proposed outbuilding would not result in any harm to the residential amenities of adjacent and surrounding properties with regard to light, privacy or visual intrusion.

9.12 Given its siting, scale, design and limited height, the proposed structure would not appear visually intrusive or overbearing when viewed from adjacent properties. The pitched roof whilst modest in height also slopes away from No. 63 St Johns Road and No. 56 Horsecroft Road so as to minimise its visual impact. The outbuilding is located to the far rear corner of the garden and is set away from all neighbouring dwellings. In addition, it is important to note that there are numerous existing outbuildings in various gardens in the immediate vicinity.

9.13 There will be no windows to the southern or eastern elevations facing neighbouring properties so no privacy implications. It is proposed to have windows and doors but these will face into the applicants garden only and given they are at ground floor level would not give rise to any overlooking concerns.

9.14 For maintenance purposes and to permit access to the neighbouring fence the proposed outbuilding will be set 0.75m away from the southern common boundary.

Impact on Highway Safety and Parking

9.15 Given the nature of the proposed works and the fact the proposal does not involve any changes to the parking or access arrangements to the site, there would be no harm to the safety or operation of adjacent highways. The proposal complies with CS8 and CS12 in this regard.

Other Material Planning Considerations

9.16 Former land uses mean there is the potential for the site to be contaminated. The Council's scientific officer has been consulted and raises no objection on the grounds of land contamination. There is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be included.

Response to Neighbour Comments

9.17 No comments received

Community Infrastructure Levy (CIL)

9.18 The development is not CIL liable.

10. Chiltern Beechwood Special Area of Conservation (SAC)

10.1 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.

10.2 A screening assessment has been undertaken and it has been concluded that no likely significant effect is considered to occur to the CB SAC. In this case the outbuilding proposed would be used for purposes incidental to the existing dwelling house (storage/ garden office/workshop) and not for additional residential accommodation. A condition will be included securing this such that the development would not increase the residential accommodation at the site or add recreational pressure. Given there would be no additional recreational pressure as a result of the proposal an appropriate assessment is not required in this case.

11. RECOMMENDATION for 22/01176/FHA

11.1 That planning permission be GRANTED.

Condition(s) and Reason(s):

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

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

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

**Location Plan
Proposed Plans and Dimensions
Design and Access Statement
Heritage Statement**

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

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

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

- 4. The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use (Storage/garden office/workshop) of the dwelling known as 65 St Johns Road, Hemel Hempstead and shall not be independently occupied.**

Reason: For the avoidance of doubt and to ensure that the use of the development remains ancillary to the use of the main dwellinghouse without allowing the intensification of residential accommodation within the site in accordance with CS12 of the Core Strategy 2013 and to ensure compliance with the Habitats regulations.

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.

11. RECOMMENDATION for 22/01284/LBC

11.1 That listed building consent be GRANTED.

Condition(s) and Reason(s):

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

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990, as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004.

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

**Location Plan
Proposed Plans and Dimensions
Design and Access Statement
Heritage Statement**

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

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

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
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<p>Conservation & Design (DBC)</p>	<p>The house is a mid 19th century vernacular of two storey in flint and red brick with hipped welsh slate roof. It is part of a group of cottages. The shed to the rear is a reasonably modern structure which does not detract from the significance of the listed building and is in keeping with the setting of the listed building.</p> <p>The proposal would replace the existing with a home office and storage area. The proposal would have a nominal impact on the setting of the listed building. The structure is of a similar scale, mass and design. The external materials are appropriate. Therefore the officer does not need to undertake the balancing exercise in the Framework as the impact on the significance of the designated heritage asset would be considered to be neutral.</p> <p>Recommendation Neutral impact on significance of designated asset. Therefore no objection. External materials and finishes as per submitted documents.</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>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
11	0	0	0	0

Neighbour Responses

Address	Comments

ITEM NUMBER: 5j & 5k

22/01176/FHA & 22/01284/LBC	Demolition of existing garden sheds and construction of garden office/workshop.	
Site Address:	65 St Johns Road Hemel Hempstead Hertfordshire HP1 1QQ	
Applicant/Agent:	William Allen	
Case Officer:	Briony Curtain	
Parish/Ward:	Hemel Hempstead (No Parish)	Boxmoor
Referral to Committee:	Applicant is an elected member	

1. RECOMMENDATION

That planning permission (22/01176/FHA) and listed building consent (22/01284/LBC) be GRANTED.

2. SUMMARY

2.1 The site is situated within a well-established residential area of the town of Hemel Hempstead wherein appropriate residential development is encouraged in accordance with Policy CS4 of the Core Strategy. The proposed outbuilding will not harm the setting or special character, appearance and historic interest of this Grade II listed Building so would have a neutral impact on the heritage asset. There would be no harm to the site, surrounding area, residential amenities of surrounding properties or highway safety.

2.2 The proposal complies with Policies CS4, CS11, CS12 and CS27 of the Core Strategy 2013 and section 16 of the NPPF.

3. SITE DESCRIPTION

3.1 The site is occupied by a semi-detached Grade II listed building located on St Johns Road in Hemel Hempstead, opposite its junction with Puller Road. The surrounding area is predominately residential in character.

3.2 The site currently comprises two timber sheds in storage use.

4. PROPOSAL

4.1 Planning permission and listed building consent are proposed for the demolition of the existing sheds and the construction of an office/workshop garden building. Occupying the same area and a very similar footprint to the existing sheds, the outbuilding will comprise 'L' shaped pitched roof with a small front gable.

4.2 The outbuilding will be constructed of black shiplap timber cladding on a brick plinth with red roof tiles. The main part of the building will be used as a workshop/office space with a smaller storage (bike/mower) area to the north.

5. PLANNING HISTORY

Planning Applications :

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 GRA - 19th December 2019

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

GRA - 19th December 2019

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GRA - 30th March 2016

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

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

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

6. CONSTRAINTS

CIL Zone: CIL3
Former Land Use (Risk Zone):
Heathrow Safeguarding Zone: LHR Wind Turbine
Listed Building, Grade: II,
Parish: Hemel Hempstead Non-Parish
RAF Halton and Chenies Zone: Yellow (45.7m)
Residential Character Area: HCA7
Parking Standards: New Zone 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

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8. PLANNING POLICIES

Main Documents:

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

CS27 – Quality of Historic Environment
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, impact on heritage asset and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The application site is located within a residential area of the town of Hemel Hempstead wherein appropriate residential development is encouraged in accordance with Policy CS4 of the Core Strategy 2013. The proposal is thus acceptable in principle subject to a detailed assessment of its impact

Quality of Design / Impact on Visual Amenity

9.3 The main issue of relevance to the consideration of this application relate to the impact of the proposed works on the character and appearance of the Grade II listed building at No. 65 St Johns Road.

9.4 Regard must be given to the statutory tests of preserving or enhancing the setting of Listed Buildings under Sections 72 and 66 of The Planning (Listed Building and Conservation Areas) Act 1990.

9.5 Paragraph 197 of the NPPF (2021) states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 199 of the NPPF outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation. Paragraph 201 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 202 states that this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.6 Policy CS27 of the Core Strategy 2013 favours the conservation of heritage assets. The integrity, setting and distinctiveness of designated heritage assets will be protected.

9.7 Policy 119 of the Dacorum Local Plan (2004) states that every effort will be made to ensure that any new development liable to affect the character of a listed building will be of such a scale and

appearance, and will make use of such materials, as will retain the character and setting of the listed building.

9.8 The design and appearance of the proposed home office is considered acceptable and is in keeping with the character and appearance of the setting of the listed building. The proposals are therefore concluded to have a neutral impact on the heritage asset (listed building). In the absence of any harm no public benefits are required to justify the proposals.

9.9 Given its siting to the rear the outbuilding would not be visible from public vantage points so would have no impact on the character or appearance of this part of the St Johns Road street scene. The design and finishes of the building, together with its modest scale and the fact it is replacing existing sheds of a very similar footprint means it is considered appropriate for the plot, would retain sufficient amenity land and would not appear cramped or overdeveloped.

9.10 The proposal complies with Section 16 of the NPPF, Policies CS11, CS12 and CS27 of the Core Strategy 2013 and saved Policy 119 of the Dacorum Borough Local Plan.

Impact on Residential Amenity

9.11 The proposed outbuilding would not result in any harm to the residential amenities of adjacent and surrounding properties with regard to light, privacy or visual intrusion.

9.12 Given its siting, scale, design and limited height, the proposed structure would not appear visually intrusive or overbearing when viewed from adjacent properties. The pitched roof whilst modest in height also slopes away from No. 63 St Johns Road and No. 56 Horsecroft Road so as to minimise its visual impact. The outbuilding is located to the far rear corner of the garden and is set away from all neighbouring dwellings. In addition, it is important to note that there are numerous existing outbuildings in various gardens in the immediate vicinity.

9.13 There will be no windows to the southern or eastern elevations facing neighbouring properties so no privacy implications. It is proposed to have windows and doors but these will face into the applicants garden only and given they are at ground floor level would not give rise to any overlooking concerns.

9.14 For maintenance purposes and to permit access to the neighbouring fence the proposed outbuilding will be set 0.75m away from the southern common boundary.

Impact on Highway Safety and Parking

9.15 Given the nature of the proposed works and the fact the proposal does not involve any changes to the parking or access arrangements to the site, there would be no harm to the safety or operation of adjacent highways. The proposal complies with CS8 and CS12 in this regard.

Other Material Planning Considerations

9.16 Former land uses mean there is the potential for the site to be contaminated. The Council's scientific officer has been consulted and raises no objection on the grounds of land contamination. There is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be included.

Response to Neighbour Comments

9.17 No comments received

Community Infrastructure Levy (CIL)

9.18 The development is not CIL liable.

10. Chiltern Beechwood Special Area of Conservation (SAC)

10.1 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.

10.2 A screening assessment has been undertaken and it has been concluded that no likely significant effect is considered to occur to the CB SAC. In this case the outbuilding proposed would be used for purposes incidental to the existing dwelling house (storage/ garden office/workshop) and not for additional residential accommodation. A condition will be included securing this such that the development would not increase the residential accommodation at the site or add recreational pressure. Given there would be no additional recreational pressure as a result of the proposal an appropriate assessment is not required in this case.

11. RECOMMENDATION for 22/01176/FHA

11.1 That planning permission be GRANTED.

Condition(s) and Reason(s):

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

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

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

**Location Plan
Proposed Plans and Dimensions
Design and Access Statement
Heritage Statement**

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

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

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

- 4. The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use (Storage/garden office/workshop) of the dwelling known as 65 St Johns Road, Hemel Hempstead and shall not be independently occupied.**

Reason: For the avoidance of doubt and to ensure that the use of the development remains ancillary to the use of the main dwellinghouse without allowing the intensification of residential accommodation within the site in accordance with CS12 of the Core Strategy 2013 and to ensure compliance with the Habitats regulations.

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.

11. RECOMMENDATION for 22/01284/LBC

11.1 That listed building consent be GRANTED.

Condition(s) and Reason(s):

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

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990, as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004.

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

**Location Plan
Proposed Plans and Dimensions
Design and Access Statement
Heritage Statement**

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

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

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
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<p>Conservation & Design (DBC)</p>	<p>The house is a mid 19th century vernacular of two storey in flint and red brick with hipped welsh slate roof. It is part of a group of cottages. The shed to the rear is a reasonably modern structure which does not detract from the significance of the listed building and is in keeping with the setting of the listed building.</p> <p>The proposal would replace the existing with a home office and storage area. The proposal would have a nominal impact on the setting of the listed building. The structure is of a similar scale, mass and design. The external materials are appropriate. Therefore the officer does not need to undertake the balancing exercise in the Framework as the impact on the significance of the designated heritage asset would be considered to be neutral.</p> <p>Recommendation Neutral impact on significance of designated asset. Therefore no objection. External materials and finishes as per submitted documents.</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>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
11	0	0	0	0

Neighbour Responses

Address	Comments