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DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 29 SEPTEMBER 2022 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

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

Membership

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

Councillor Douris
Councillor Williams
Councillor Hollinghurst
Councillor Stevens
Councillor Tindall
Councillor Riddick

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

AGENDA

1. MINUTES

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

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends

a meeting of the authority at which the matter is considered -

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

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

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

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

5. INDEX TO PLANNING APPLICATIONS (Page 5)

- (a) 22/01806/LBC -Structural works to support existing structures, refurbishment of the main building and outbuilding, removal of glazed link, external repairs, insertion of new window to rear elevation - The Valiant Trooper, Trooper Road, Aldbury, Tring, Hertfordshire, HP23 5RW (Pages 6 - 44)
- (b) 22/00776/FUL - Construction of a Barn, Polytunnel, Agricultural Track and Entrance Gates (Amended Scheme) - Plot 1 - Berry Farm, Cupid Green Lane, Hemel Hempstead. (Pages 45 - 51)
- (c) 21/03089/MFA - Construction of 46 dwellings (apartment building and two rows of terraced units), new access road, parking and amenity areas - St Margarets Way, Hemel Hempstead, Hertfordshire (Pages 52 - 60)
- (d) 22/00408/FUL - Change of use from Class E to Hot food Takeaway (Sui-Generis) - A Class Tailoring Ltd, 15 Marlowes, Hemel Hempstead, Hertfordshire, HP1 1LA (Pages 61 - 77)
- (e) 22/01801/FHA - Loft conversion with rear dormer - 12 Farm Place, Berkhamsted, Hertfordshire, HP4 3AU (Pages 78 - 84)
- (f) 22/01921/FHA - Ground floor and garage extensions. External alterations - 22 Apollo Way, Hemel Hempstead, Hertfordshire, HP2 5QG (Pages 85 - 90)

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INDEX TO PLANNING APPLICATIONS

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5a.	22/01806/LBC	Structural works to support existing structures, refurbishment of the main building and outbuilding, removal of glazed link, external repairs, insertion of new window to rear elevation. The Valiant Trooper, Trooper Road, Aldbury, Tring	
5b.	22/00776/FUL	One barn, one polytunnel, agricultural track and relocation of entrance gate. Amended scheme to planning permission 20/03295/FUL Plot 1 - Berry Farm, Cupid Green Lane, Hemel Hempstead, Hertfordshire	
5c.	21/03089/MFA	Construction of 46 dwellings (apartment building and two rows of terraced units), new access road, parking and amenity areas. St Margarets Way, Hemel Hempstead, Hertfordshire,	
5d.	22/00408/FUL	Change of use from Class E to Hot food Takeaway (Sui- Generis) A Class Tailoring Ltd, 15 Marlowes, Hemel Hempstead, Hertfordshire	
5e.	22/01801/FHA	Loft conversion with rear dormer 12 Farm Place, Berkhamsted, Hertfordshire, HP4 3AU	
5f.	22/01921/FHA	Ground floor and garage extensions. External alterations. 22 Apollo Way, Hemel Hempstead, Hertfordshire, HP2 5QG	

Agenda Item 5a

ITEM NUMBER: 5a

22/01806/LBC	Structural works to support existing structures, refurbishment of the main building and outbuilding, removal of glazed link, external repairs, insertion of new window to rear elevation.	
Site Address:	The Valiant Trooper, Trooper Road, Aldbury, Tring, Hertfordshire, HP23 5RW	
Applicant/Agent:	Mr Rupert Poulson	Mark Battram
Case Officer:	Andrew Parrish	
Parish/Ward:	Aldbury Parish Council	Aldbury & Wigginton
Referral to Committee:	The application is referred to the Development Management Committee due to the contrary views of the Aldbury Parish Council and due to a call-in request by the Ward Councillor.	

1. RECOMMENDATION

1.1 That listed building consent be granted.

2. SUMMARY

2.1 The application is recommended for approval.

2.2 The Valiant Trooper is a Grade II listed building and the only consideration in dealing with a listed building application is the effects on the architectural and historic interest of the listed building.

2.3 Consent is sought for structural works to support existing structures, refurbishment of the main building and outbuilding, removal of a glazed link, external repairs, and insertion of new window to rear elevation.

2.4 The Conservation Officer has provided pre-application advice and reports that he has visited the property on a number of occasions and noted that the quality of maintenance throughout the C20 has been poor and unsympathetic and that this puts the building at risk. Had this been known prior to renovation works, it would have been placed on the local authorities at risk list.

2.5 The Conservation Officer has considered the proposals the subject of the application and raises no objections from a Conservation aspect to the proposed works and alterations.

2.6 In particular in listed building terms there are no objections to the removal of the glazed link, the lowering of the cellar ceiling, the alterations to the stable wing fenestration, or the revised porch details.

2.7 Approval of external and internal materials and finishes by condition is recommended.

2.8 Concerns regarding the viability of the pub following removal of the glazed link are noted. However, the LPA's priority and duty in regards to listed buildings is to the desirability of preserving the listed building and its setting and any features of special or architectural or historic interest which it possesses. This would not be impacted by the removal of the link.

2.9 The grant of LBC would not permit any change of use since that would need to be the subject of a separate planning application at which point any concerns about viability can be considered fully.

2.10 Bats have been discovered in the roof, but a licence for translocation cannot be issued by Natural England until listed building consent has been granted. Any delay in granting LBC could significantly delay necessary works to the listed building which would put the project to restore the

listed building at risk. This would potentially have knock on effects for the viability of the pub which therefore needs to be considered in the balance.

2.11 On balance the proposals are supported from a heritage aspect.

3. SITE DESCRIPTION

3.1 The application site is located at the southern end of Trooper Road on the corner with Newground Road within the village of Aldbury, and comprises a public house. This is of C16 origin as a cruck framed building, heightened and extended in the C17 and with a further major C19 low stable wing extending south eastward from main building, which was converted / rebuilt in the 1980s as pub accommodation with a glazed link added in 2001. A further C20 lower 'toilet' extension sits to the south. The main building is faced in red/orange brickwork with a steep plain clay tiled roof over. The stable wing has a hipped slate roof over original brick wall to the north and rebuilt rendered and painted southern wall. To the north of the building is a large open gravelled car park. The L shaped building encloses a courtyard area / beer garden and there is a barrel drop to the east of the single storey south wing with enclosed service yard. A detached 2-storey brick outbuilding with pyramidal roof and blind windows sits along the southern boundary of the courtyard. This is currently used for storage only and is faced in slate over brick and flint walls.

3.2 The surrounding area comprises two storey residential development of various ages. Immediately opposite the pub is a row of half-timbered and jettied dwellings which are listed.

3.3 The property and outbuilding is Grade II listed falling within the Aldbury Conservation Area and within the designated Chilterns AONB.

4. PROPOSAL

4.1 Consent is sought for structural works to support existing structures, refurbishment of the main building and outbuilding, removal of a glazed link, external repairs, and insertion of new window to rear elevation.

4.2 The proposed works are described in detail in paragraph 9.8 below.

5. PLANNING HISTORY

5.1 Planning Applications (If Any):

22/00379/LBC - Internal alterations, repair to exterior and removal of concrete paving to rear outside area.
GRA - 4th April 2022

22/01328/LBC - Internal layout alterations to stable range, blocking in 5 windows and doors, removal of modern glazed link, insertion of 2 windows and 1 door, cladding part of the inner courtyard walls.
WDN - 16th June 2022

22/01391/DRC - Details required by condition 7 (materials) attached to planning permission
22/00379/LBC - Internal alterations, repair to exterior and removal of concrete paving to rear outside area.
GRA - 20th June 2022

4/01305/15/LBC - Fire precaution works
GRA - 21st May 2015

4/02244/00/LBC - Single storey extension within courtyard area
GRA - 5th March 2001

4/02243/00/FUL - Single storey extension within courtyard area
GRA - 5th March 2001

4/00973/00/TCA - Works to ash and walnut trees
RNO - 14th June 2000

4/00298/00/LBC - Single storey rear extension to restaurant
REF - 8th May 2000

4/00297/00/FUL - Single storey rear extension to existing restaurant
REF - 8th May 2000

4/00325/99/DRC - Details of windows, external doors and external firescape required by conditions 3 & 6 of listed building consent 4/1803/98 (demolition, rebuilding and extension of brick barn to provide 4no letting suites ancillary to public house)
GRA - 21st April 1999

4/01802/98/FUL - Demolition, rebuilding and extension of brick barn to provide 4no letting suites ancillary to public house
GRA - 21st December 1998

4/01803/98/LBC - Demolition, rebuilding and extension of brick barn to provide 4no letting suites ancillary to public house
GRA - 21st December 1998

4/01646/98/LBC - Relocation of entrance door and replacement windows
GRA - 26th November 1998

4/00142/91/LBC - Single storey rear extension
GRA - 14th March 1991

4/00141/91/FUL - Single storey rear extension
GRA - 14th March 1991

5.2 In addition to the above there are currently two further application under consideration:

22/02387/FUL - Retention of public house. Conversion of restaurant wing to Farmshop and Deli (to include change of use to Class E). Conversion of outbuilding to Cafe (to include change of use to Class E). Construction of 3 mews houses with gardens to the rear. Configuration of car parking provision to serve the public house, Farmshop and residential units.
PCO – Not yet determined.

22/02388/LBC - Retention of public house. Conversion of restaurant wing to Farmshop and Deli (to include change of use to Class E). Conversion of outbuilding to Cafe (to include change of use to Class E). Construction of 3 mews houses with gardens to the rear. Configuration of car parking provision to serve the public house, Farmshop and residential units.
PCO - Not yet determined.

6. CONSTRAINTS

Area of Archaeological Significance: 29
Area of Outstanding Natural Beauty: Chilterns
CIL Zone: CIL1
Aldbury Conservation Area
Listed Building, Grade: II,
Parish: Aldbury CP
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
RAF Halton and Chenies Zone: Green (15.2m)
Rural Area: Policy: CS7
Small Village: Aldbury
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

8.1 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)

8.2 Relevant Policies:

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

CS27 - Quality of the Historic Environment

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

Policy 119 – Development Affecting Listed Buildings

8.3 Supplementary Planning Guidance/Documents

Environmental Guidelines SPD (May 2004)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

Effects on listed building

Background

9.2 Listed building consent was granted in April 2022 for restoration of the 19th century store, and works to the historic pub building in particular the historic core of the building. This was to address a number of maintenance issues and to bring these buildings back into use as a bar / coffee shop. The proposals included replacement floorboards and joists, a Newton drainage scheme for the cellar, new WC and baby change near the front entrance, removal of harling from front elevation and removal of concrete hardstanding from the courtyard and replacement with Cotswold stone to allow the building to dry out. The insertion of a steel support structure to the interior of the outbuilding was also proposed to stop the building collapsing.

9.3 During uncovering works further necessary repairs were discovered and the scope of work has expanded. In addition the plans for the building have evolved to include the removal of the glazed link, removal of openings in the stable wing, installation of feather edge boarding, and the introduction of glazed doors in the east elevation. These are all the subject of the current Listed Building application.

Policy and Principle

9.4 The Valiant Trooper is a listed building and therefore important to have special regard to the impact of the alterations on the character and setting of the listed building.

9.5 Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard be had to the desirability of preserving the listed building or its setting or any features of special or architectural or historic interest which it possesses.

9.6 Saved Policy 119 of the Dacorum Borough Local Plan states that:

"Consent to alter or extend listed buildings will only be granted where it can be satisfactorily demonstrated that the proposal will be carried out in a manner appropriate to the scale, proportion and external and internal appearance or historic character of the building to which it relates."

9.7 Policy CS27 states that:

"The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced."

Effects on listed building

9.8 The proposed works would comprise the following:

External works to main building

- Block in existing 2no double doors, 1 single door and 3no casement windows on courtyard elevations of stable wing.
- Replace render to south west elevation of stable wing with black feather boarded timber

- Remove existing modern glazed link to reveal the original rear elevation.
- Reinstate timber casement window to rear (south east) elevation. Lower wall to be rendered to match upper.
- Install timber door and timber casement window to north east elevation of stable wing.
- Install glazed screen doors to south east elevation of stable wing.
- Addition of porch / canopy
- Other external works within Schedule

Internal works to main building

- Internal works as per the schedule of works comprising, inter alia, removal of all inappropriate modern materials, rotten joists etc., installation of new kitchen in lieu of toilets, change to layout of entrance toilets, replacement of three floors, refurbishment of floors, walls, ceilings, insertion of 2 steel beam restraints to support west wall to cellar, new concrete cellar slab and Triton aqua channel, new internal doors, plumbing, kitchen, electrical installation, decorations and finishes.

External and internal works to outbuilding

- Structural, external and internal works as per Structural Engineer specification and Schedule comprising foundation pads and new structural steel frame, general repairs and maintenance to walls, roof and rainwater goods, new flooring, ceilings, insulation, new windows and doors.

9.9 The Conservation Officer reports that he has visited the property on a number of occasions and noted that the quality of maintenance throughout the C20 has been poor and unsympathetic and that this puts the building at risk, noting that the floors needed to be removed which uncovered evidence of poor ventilation and water ingress, albeit did allow the evolution of the building to be understood. There were also found to be other bad practices such as cement repairs to sole plates and a cement harl to the timber framed walls and chimney stack causing rot to timbers and decaying brickwork. This has subsequently caused the north gable wall to fail which has required emergency repairs which are ongoing. Overall he reports that despite appearances, prior to renovation works beginning the building was in a particularly poor state and would have been on the local authorities at risk list were this known.

9.10 In view of the above, the proposed works to refurbish the historic core are welcomed and are considered necessary for the survival of the building, having generally been advised upon favourably by the Conservation Officer. They would ensure a long term future for the building which is understood to be being retained as a public house. The works would therefore preserve the architectural and historic significance of the listed building.

9.11 Some concerns have been raised by a member of the public that the lowering of floor levels has impacted on the head height within the cellar and should be reversed. This is indeed the case with a drop by 150 mm as a result of joists sitting within the H steel rather than on top. This would leave a cellar height of 1.705 m. However, the larger part of the cellar has correspondingly risen in head height from 1.7 m to 1.83 m. On balance there is not considered to be any detriment to the usability of the cellar for bottle and barrel storage, etc., noting that the previous more restricted head height was in use before. It is not considered that there is any clear justification in listed building terms to revert back to the previous floor heights. The Conservation Officer has raised no objections in this respect.

9.12 In respect of concerns regarding the effect of the cellar works on the ongoing use of the building as a pub, the Project Leader for the works at The Valiant Trooper (a company that specialises in bar installations) has commented as follows:

"I am comfortable the refurbished cellar is suitable for our requirements and the necessary functioning of the bar. It is great that you have increased the main cellar height but it is fair to say I have definitely seen

significantly smaller/ worse cellars in functioning pubs. We are happy that we can get all the relevant barrels and equipment to operate and implement the correct manual handling procedures for the barrels and running of the cellar”.

9.13 The Conservation Officer notes that the southward projecting addition to the stable building dates from 1991, being of lesser architectural interest, and therefore the proposed works here would not harm the significance of the listed building.

9.14 The removal of the glazed link between the main building and the stable wing would also not cause harm to the significance of the listed building. It is again a modern structure of no particular architectural merit and its removal would not harm the character and appearance of the building, and would allow the earlier character and form of the building to be better appreciated.

9.15 Regarding the stable wing (function room), this is a 1980's conversion but is deceptive since it was not wholly converted but rather the southern wall and roof was rebuilt with little historic fabric surviving other than the car park wall and front and back walls, albeit some historic timbers and a dividing screen appear to have been incorporated into the roof. Therefore this wing is of less historic significance than would be supposed, albeit still allows the layout of the site to be appreciated. The wing is shown in the plans to be retained as a function room, albeit there is no link to the bar area. The changes to the fenestration and the introduction of timber cladding and an entrance area are not objectionable from a conservation aspect. As it would be preferable to retain the brick facing to the car park elevation and to only introduce boarding to the rendered sections, in order to retain some of the original character and significance of the listed building, we have asked the applicant to provide amended drawing showing this and they have responded with the updated drawings retaining the brickwork elevation to the car park.

9.16 The Conservation Officer raised concerns with the initial drawings that the front entrance porch would be a somewhat dominant and disruptive feature to the streetscape. He has therefore advised that the porch should be reviewed by not extending forward and by aligning the entrance door with the historic front door which would appear more welcoming rather than directing customers towards the toilets. He also advised that a gallows bracket entrance could be considered that would be less intrusive. Amended plans have been received and the Conservation Officer has advised that the porch issue has now been resolved with regards to scale and mass. It now sits comfortably with the forward extension and would not cause harm to the character and appearance of the listed building.

9.17 With regards to the small 2 storey outbuilding, the Conservation Officer has noted that this is in poor condition and that previous repairs have failed. Therefore the proposed repairs and structural improvements to this building which will also provide a potential long term use are welcomed and would maintain the significance of this building.

9.18 There are harms caused to the character of the listed building by undertaking the works. This is due to the loss of historic fabric which unfortunately was found to be in poor condition due to the lack of general repairs and maintenance. However this loss of fabric is outweighed by the principle objective of maintaining the building and preventing substantial harm through undertaking sympathetic and in keeping repairs to preserve the building in the long term. The loss of the link structure would not cause harm to the character and appearance of the listed building.

9.19 Subject to approval of external and internal materials and finishes by condition, and agreement with the Conservation Department following opening up works of any necessary repairs, the proposals would comply with the saved Policy 119 of the Local Plan, Policy CS27 of the Core Strategy and the relevant sections of the listed buildings and conservation areas act 1990.

Viability

9.20 A large number of representations have been received from residents on grounds that the alterations to the listed building, principally the removal of the glazed link between the pub and the function room, would undermine the viability of the pub as an ongoing business. However, it should be noted that the LPA's priority and duty in regards to listed buildings is to the desirability of preserving the listed building and its setting and any features of special or architectural or historic interest which it possesses.

9.21 The LPA should only be considering the alterations in respect of the impact on the significance of the Listed Building, not any possible change of use which would be a matter for a planning application. The grant of LBC would not permit any change of use since that would need to be the subject of a separate planning application. Furthermore granting LBC would not set a precedent for accepting a change of use as that aspect should be considered on its merits having regard to any viability concerns at the time of considering any such application.

9.22 The Conservation Officer has noted the concerns about viability and the long term use of the listed building. He has referred to the continuing closure of pubs elsewhere in the Borough such as the Cow Roast Inn and the Old Chequers, Gaddesden Row. It should be noted that there is no operational pub at the moment at the Valiant Trooper as it too has proved unviable, especially during the Covid pandemic response, despite the function room. Doing nothing will not change that and the listed building will be likely to further deteriorate, making it even more unviable as a pub. Losing the public house altogether would be detrimental to the building and the conservation area.

9.23 The building has been found to be at considerable risk and therefore the works by the applicant to address years of poor or no maintenance are welcomed from a Conservation aspect. As noted by the Conservation Officer, diversifying the business is clearly key and different approaches to this can be taken. With all businesses the success or otherwise of this approach cannot be known. However the recently restored Green Dragon listed public house in Flaunden which following closure for a period of time has now reopened. This has a detached function space restored on the site of the 19th century building which appears to be running viably.

9.24 It is considered that refusing this listed building application on grounds of harm to the long term viability of the pub would not be justifiable and is more than likely to frustrate the applicant's well intentioned efforts to create a long term viable business.

Bats

9.25 It is understood that bat roosts have been discovered in the roof during recent stripping out works. The applicant has sought a licence from Natural England for mitigation / translocation works. However, NE has advised the applicant they cannot issue the licence until Listed Building Consent is in place. This means that if LBC is deferred or refused, the applicants would miss the period within which bat translocation works are licenced to be carried out as they can't be undertaken during the hibernation season (basically winter). In the circumstances, the necessary remediation / refurbishment works to the building would be considerably delayed and the project to restore the listed building put at risk.

9.26 This potential risk to the viability of the pub and the end use therefore needs to be considered in the balance.

Response to Neighbour Comments

9.27 The Aldbury Parish Council has raised objections due to the lack of clarity about the potential proposals for future development and / or change of use of the site which should more appropriately

be contained within a full application, although no objection is raised to works genuinely required for conservation purposes.

9.28 Summary of main responses from residents:

- The pub has been part of the community for 200 years
- Proposals would result in the loss of a community asset
- The reasons for the alterations are unclear
- A clear and consistent statement about the intended use of the site should be submitted
- There are discrepancies in what was described at the 'open day'
- Removal of glazed link would create two physically and functionally separate entities
- Pub would be too small to be viable
- Main toilets would be replaced by a kitchen
- New toilets would be too small
- Loss of windows to the pub
- Lowering of floor would make cellar unusable
- Introduction of external door to stable wing would impact car parking
- Additional traffic and parking demand harmful to highway safety
- It appears the property is being split into multiple residences
- The alterations would compromise the viability of the pub
- Would enable a future change of use on grounds of non-viability
- Change of use should be agreed first
- If sold off separately the opportunity to recombine the buildings would be lost
- Separating the uses would sever any function room income from the pub
- The pub should not be allowed to disappear
- LBC should be rejected as PP has not been submitted

9.29 The application is for listed building consent for the alterations to the building and the implications for the significance of the listed building in heritage terms has been considered above to not cause harm. The implications of the works on the potential viability of the pub has also been discussed above. Whilst the plans would clearly sub-divide the pub from the function room, the application nevertheless does not propose a change of use. Any change of use would need to be the subject of a full planning application where the implications for viability can be taken into account and the application considered accordingly.

10 CONCLUSION

10.1 The development would preserve and indeed enhance the significance of the listed building.

10.2 Given the very poor condition of the building the heritage benefits of restoring the historic core of the public house and its continued use would outweigh harm to the significance of removing the link between the pub and the function room. When weighed in the balance, the bringing back into use of the existing 'at risk' listed outbuilding on Newground Road would be positive. There would be some risk with the new business proposals but at this stage the benefits of preservation would be considered to outweigh the harm to the area, and any change of use instigated as a consequence of failure of the pub due to the loss of the link would be a matter for consideration and questioning with a full application. On balance the proposals are therefore supported from a heritage aspect.

11 RECOMMENDATION

That listed building consent be given, subject to the following conditions:

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

3797-02
3797-03
3797-04
7270-07
7270-25B
7270-26A
7270-12
7270-13
7270-14
7270-15

Schedule of Works – Final 2022 (Battram Associates)

Appendix B – External Work Items

Paint Cleaning Method Statement (VT/BMP/001)

Supported by the following documents:

- **Design & Access Statement**
- **Historic Fabric Record (Battram Associates)**
- **Structural Report for Outbuilding (RJT/3797 30 Sept 2021)**

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

3. **All new internal and external materials and finishes shall be in accordance with the approved plans.**

Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2021).

4. **Following opening up works in any area, works should stop and the Conservation Officer contacted to agree any repairs necessary prior to continuing the works. All works should be photographically recorded as a record in accordance with Condition 5.**

Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2021).

5. **Within six months of the completion of the works hereby consented a Level 2 Historic Building Recording shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition: The Level 2 Historic Building Recording shall include photographs and recording of all the materials and historic fabric exposed during the course of the works together with a written account of the findings.

Reason: To ensure that reasonable endeavours are made and to record archaeological and historic evidence in accordance with Saved Policies 118 and 119 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the National Planning Policy Framework (2019).

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Historic England	<p>Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.</p> <p>We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at https://historicengland.org.uk/advice/find/</p> <p>It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.</p>
Conservation & Design (DBC)	<p>The Valiant Trooper is a historic timber framed building which probably dates from the 17th century incorporating elements of an earlier timber framed dwelling. From examination it originally seems to have been wattle and daub later replaced with brick infill. It appears later altered with a timber framed single bay cottage and a 1769 single bay two storey cottage now amalgamated into a public house. There are later extensions to both sides presumably in the 19th century with 20th century alterations. It should be noted that the work undertaken in the 19th century is of poor quality and is somewhat detrimental with regards to the building. The barn structure to the flank which appears to be 19th century or earlier barn/ outbuilding which was converted in the early 1980s with later alterations. However following opening up works whilst some of the external walls were retained the structure was not 'converted' and seems to have had substantial areas of rebuilding.</p> <p>In relation to the proposed alterations the area identified as D42 is an extension which dates from 1991 It is of lesser architectural interest and therefore the proposed works to this structure would not harm the significance of the listed building.</p> <p>It should be noted that officers have visited the site a number of times. It</p>

is clear that maintenance/ works have been limited and not particularly sympathetic to the fabric of the building throughout the 20th century if not before. We would consider the condition that the building was found to be in following opening up works is at risk. The floors were in a very poor condition and needed to be removed. (in the 18th century section). One section which had sat on the earth was rotten due to lack of ventilation. This did allow the evolution of the building to be understood in that below the floor in the earth was a hearth showing that the pre 19th century floor of this section was earth. The floor above the cellar had not been well ventilated causing major issues. Similarly the concreting of the rear courtyard area had in effect been channelling water into the building. Similarly other drainage was found to be inadequate and in some cases unconnected which resulted in water flowing into the building.

The sole plates were seen to be in a particularly poor condition and repaired previously with cement. This is not advised practice but altering these features would cause more harm. Similarly the external walls of the timber framed structure had been covered with a cement harl. This is particularly bad for the timber frame preventing it from breathing and causing decay. The major stack to the gable was also rendered. This coupled with the bricks decaying and the 19th century stack leaning on it had resulted in it pulling away from the building and resting on the ridge line. Bricks at girding beam level had decayed and in some cases completely dissolved.

Overall it can be seen that despite appearances prior to renovation works beginning the building was in a particularly poor state and would have been on the local authorities at risk list were this known.

The proposed works to refurbish the historic core are welcomed and supported. The building requires to be used and have a long term future. It is currently proposed to be a public house and this would preserve the significance of the building. We note concerns about the cellar but from officer visits whilst part of the floor to ceiling height under the bar has been lowered the second large space adjacent to the cask drop is now of additional height. It is still a usable space for storing beer/ other beverages.

The character of the space would be preserved through the works to the ground floor. It would allow the public house to continue to function and be a public community space. In addition it should be noted from the above that all the repair works are necessary for the survival of the building. If this work were not to be carried out the local authority would be required to consider using its powers under the 1990 Planning (Listed Buildings and Conservation Areas) Act to require the owner to repair the building to ensure its long term survival. Following a number

	<p>of visits there is no alternatives to this work and given the condition all repair works noted on the drawings are necessary and have generally been advised upon by the conservation dept.</p> <p>Link element.</p> <p>The demolition of the link would not cause harm to the significance of the listed building. It is a modern structure which links the existing to the function room. It is not of particular architectural merit and does not sit particularly comfortably with the existing building. As such we would not object to its demolition as it would not cause harm to the character and appearance of the listed building.</p> <p>The barn structure is noted as the function room. Consent was granted to convert the structure in 1983. A later extension was granted to this structure. However it is clear that the building was not converted instead the external wall to the car park was retained as was the gable away from the road and chimney area toward the road. Beyond this little survives although some historic fabric appears to have been incorporated in the roof and as a screen. As such it has less historic significance than would normally be supposed however it still allows the observer to appreciate the layout of the site in the 19th century.</p> <p>It was unfortunately poorly insulated with plastic internally which caused issues with damp within the walls and as such needs review with regards to insulation and cladding. It is proposed within these plans to be retained as a function room plan 7270-14 There are fenestration changes to this structure which we would not object to. We also do not object to the cladding with boarding and a new entrance area. However if done to the brick element it should be carefully set out to allow this to be reversed in future. The porch should be reconsidered. Given the changes in particular with regards to the toilets it may be best to not extend forward from the existing. The entrance should be off set to line up with the historic front door of the pub and therefore allow a straight forward flow of people. It would also help to avoid directing people straight into the toilets and perhaps therefore appear more welcoming with a segregated queuing space. As the structure is completely modern it could be further remodelled. To allow some shelter prior to accessing the hallway a small gallows bracketed structure could be erected above the door. Overall this would reduce the dominance of the proposed entrance which at present would appear somewhat disruptive in the street scape in particular given the relatively low key approach at present to the building.</p> <p>Repairs to the small outbuilding to Newground Rd As previously noted this is in a poor condition. Previous structural repairs have failed. The new proposal would appear to safeguard this 18th/19th century building for the long term. Providing a use for this structure is most welcome and</p>
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	<p>would provide for its long term survival.</p> <p>We note that there are concerns about viability and therefore the long term use of the structure. As we have seen elsewhere in the borough pubs continue to close due to the lack of custom, changed planning regulations and society changes. Similar problem buildings can be seen elsewhere such as the Cow Roast and the Old Chequers. Losing the public house altogether would be detrimental to the building and the conservation area. Diversifying the business is clearly key and different approaches to this can be taken. With all businesses the success or otherwise of this approach cannot be known however we would highlight that the recently restored Green Dragon listed public house in Flaunden which following closure for a period of time has now reopened. This has a detached function space restored on the site of the 19th century building and was not permitted extension to attach to the listed building. This appears to be running viably.</p> <p>Overall given the very poor condition of the building the heritage benefits of restoring the historic core of the public house and its continued use outweigh harm to the significance of removing the link between the pub and the function room. We would also add into the balance the bringing back into use of the outbuilding to newground road a listed structure at risk. There would be some risk with the new business proposals but overall at this stage the benefits of preservation appear to outweigh the harms to the area. On balance we would therefore support the proposals and recommend approval.</p> <p>Recommendation: We would support the proposals and recommend approval in principle however the porch/ entrance area should be reviewed to ensure that it sits more comfortably with the character of the listed building and the streetscape of the conservation area. External materials and finishes subject to approval. Internal finishes and materials subject to approval. Following opening up works in any area works should stop and the officers agree any repairs necessary prior to continuing the works. All works should be photographically recorded and a record submitted to the HER. Landscaping details subject to approval.</p>
The Chiltern Society	Although a listed building application would normally be determined by considering only the impacts that works would have on a building's listed status, in this instance as there is no accompanying planning application it is important to consider the broader context. The Valiant Trooper is a pub which has traded successfully in the past by offering fine ales and fine food. The restaurant has been key to its success. These proposals divide the building in two, both functionally and physically. If the pub were to halve in size and lose its restaurant it would, in all probability fail. Moreover, if at some point in the future

	<p>either part was to be sold alone, the opportunity to recombine the pub to its present size might be lost for ever.</p> <p>It is therefore imperative that the division of the pub is not allowed to proceed.</p> <p>Finally the fenestration and weatherboarding proposals will cause demonstrable harm to the significance and special architectural and historic interest of the listed building, contrary to national and local policies and guidance. Accordingly the application should be refused.</p>
Aldbury Parish Council	<p>Objection</p> <p>Aldbury Parish Council resolved to object to the listed building consent planning application as submitted. The application should fail due to the lack of clarity about potential proposals for future development and/or changes of use for the site. There are aspects of the application that should be more appropriately contained in a full planning application. There is no objection to the approval of work that is limited to what is genuinely required for conservation purposes.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
0	35	0	35	0

Neighbour Responses

Address	Comments
Memorial Hall The Green Aldbury Tring Hertfordshire HP23 5RR	<p>Aldbury Parish Council resolved to object to the listed building consent planning application as submitted. The application should fail due to the lack of clarity about potential proposals for future development and/or changes of use for the site. There are aspects of the application that should be more appropriately contained in a full planning application.</p> <p>There is no objection to the approval of work that is limited to what is genuinely required for conservation purposes.</p>
The Standings 6 Stocks Farm Barns Stocks Road Aldbury Tring Hertfordshire HP23 5RX	<p>I object to the application for building consent to alterations at The Trooper in Aldbury. We, and you, don't know what the reasons for these alterations are, so the application should not be considered. It is surely premature to do so. These plans make no sense for a public house - a pub needs windows!</p> <p>These alterations compromise the buildings' operation as a pub. Whilst</p>

	<p>it may appear reasonable to remove a modern addition to a listed building, the "link" is a vital connection between the pub and the restaurant. By removing this link to form two separate buildings it would be impossible for a pub operation to function. These works could be seen as enabling a future change of use application on the grounds of non-viability. This is a clear first step for the owners next step of applying for change of use. These alterations create two separate entities (future housing). Maybe the owners should first have told you, and the villagers, what they intend the property to be as it is currently a pub and these alterations make no sense in that context. If it's two houses then it does make sense. They have not applied for change of use and lied to the Parish Council at a meeting I attended. Rupert Poulson said three times to everyone attending that "it's going to be a pub". The document he submitted to the ACV committee states he has "no intention of running it as a pub". You have a copy of that document.</p> <p>Please turn down this application.</p> <p>This plan is the same alterations plan as 22/01328/LBC with wording changes. The 44 comments from the said objections need to be carried over to this one. This is a cynical and transparent attempt to get our objections to "disappear". I've contacted Mr Parrish to ask for this to happen but have not heard back.</p> <p>I object to the application for building consent to alterations at The Trooper in Aldbury. It is premature to even consider this application as noone knows why these alterations are "needed". It is surely premature to do so. These plans make no sense for a public house - a pub needs windows!</p> <p>These alterations compromise the buildings' operation as a pub. By removing this link to form two separate buildings it would be impossible for a pub operation to function. These works could be seen as enabling a future change of use application on the grounds of non-viability. This is a clear first step for the owners next step of applying for change of use. These alterations create two separate entities (future housing). They have not applied for change of use and lied to the Parish Council at a meeting I attended. Rupert Poulson said three times to everyone attending that "it's going to be a pub". The document he submitted to the ACV committee states he has "no intention of running it as a pub". You have a copy of that document.</p> <p>Please turn down this application.</p> <p>In addition to my objection please add the following:</p> <p>The statement posted on the planning portal from the owners hours before the deadline for objections, completely contradicts the alterations application. It is not supporting. It's a "change of use" statement and no such application has been submitted. So why is it on the Dacorum site?</p> <p>Historic England is unequivocal that alterations to a listed build should be accompanied by a change of use application. If it isn't it should not even be considered by the council. So this alterations application should be withdrawn. The owners should then pull together two applications which actually match, rather than contradict. This piecemeal strategy is intended to obfuscate and confuse and this application should not be reviewed. It should be rejected</p>
370 Berkhampstead Road	On behalf of the membership of the Mid Chilterns branch of the Campaign for Real Ale, I would like to object to the application.

Chesham HP53HG	<p>The overall rationale for the proposed alterations is unclear. We share the concerns expressed by several other commenters that the proposed physical division of the pub and restaurant areas and the apparent downgrading of the toilet facilities significantly risk undermining the viability of the Valiant Trooper as a pub. It has thrived as a pub for many years, renowned among our members for the quality of its beer and food offerings; it was voted branch Pub of the Year 2017. We are confident that the Valiant Trooper can be a successful pub again, provided that alterations are not made that would impede its operation as a pub.</p> <p>For these reasons, and the lack of clarity about intentions for the property's development, Mid Chilterns CAMRA urges the Committee to reject the application.</p>
40 Stocks Road Aldbury Tring Hertfordshire HP23 5RU	<p>I wish to object to the proposed application.</p> <p>This is on the basis of a loss of public amenity and the subsequent perceived intention to change the amenity asset to residential.</p> <p>The public house has been on its present site since the 1750s. It is of significant historic value as well as providing a significant local public amenity. The planned alterations in their current form remove the historic element of a 'free house' and would appear to be moving towards an eventual change of use for residential purposes, deleting the historic public house for ever.</p> <p>I would urge the planning committee to reject this application.</p>
Parkview House Upper Tring Park Wigginton Tring Hertfordshire HP23 6FB	<p>This application consultation period should not start to run until the Design and Access Statement is shown on the council's web site. Although a listed building application would normally be determined by considering only the impacts that works would have on a building's listed status, in this instance as there is no accompanying planning application it is important to consider the broader context. The Valiant Trooper is a pub which has traded successfully in the past by offering fine ales and fine food. The restaurant has been key to its success. These proposals divide the building in two, both functionally and physically. If the pub were to halve in size and lose its restaurant it would, in all probability fail. Moreover, if at some point in the future either part was to be sold alone, the opportunity to recombine the pub to its present size might be lost for ever.</p> <p>It is therefore imperative that the division of the pub is not allowed to proceed.</p> <p>Finally the fenestration and weatherboarding proposals will cause demonstrable harm to the significance and special architectural and historic interest of the listed building, contrary to national and local policies and guidance. Accordingly the application should be refused.</p> <p>The Chiltern Society</p>

<p>25 Trooper Road Aldbury Tring Hertfordshire HP23 5RW</p>	<p>I wish to object to the proposed application.</p> <p>Firstly the loss of an asset to the community. The pub has been here for hundreds of years, operating as a 'free house', and has been a successful business over this time. It provides a facility to the village community, nearby villages and visitors (walkers, cyclists, ramblers etc, etc). As we come out of a pandemic, where people adopted a different way of working, working from home, many of whom will maintain this working pattern, it is important we maintain facilities that support this approach. The pub offers a place for a meal, refreshment, a meeting in the garden, both for pleasure and for business - the facility the pub provides the community is essential and is needed more than ever. To lose the asset would lead to a significant negative impact on the village and its community.</p> <p>Pre-pandemic it was a thriving pub for all ages - a significant community facility. It is such a great shame that an application has been submitted which would appear to be a change of use, by stealth, by an opportunist businessman. Whatever this planned replacement is, it is not as a pub, and it will not serve the community in the same way. There is still a chance to rescue the pub and return it to community use. Were these plans to go ahead that opportunity would be lost and the pub and all its heritage will have vanished.</p> <p>I urge the planners to read the recently published "Aldbury and Tring station Community survey 2021, where the conclusion reads "the results of this survey reveal a community that cares strongly about its people and values its quiet but thriving environment, in particular appreciating the strong sense of community, peaceful way of life, and rural beauty"</p> <p>In summary I would urge the planning team to reject this application.</p>
<p>Bunstrux Tring HP23 4HT</p>	<p>The division of the Pub into two separate areas, one reducing it to a cafe and the other into a "Function" space, notably with no windows down one side, would effectively end its economic viability in the future. The entrance to the cafe remains wholly unsatisfactory (as in the now withdrawn application) and the still tentative representation of the "Function" room - for example, on the M&E plan - gives little confidence as to the ultimate use to which the development will be put.</p>
<p>65 Longfield Road Tring Hertfordshire HP23 4DF</p>	<p>The Valiant Trooper is a highly characterful public house of long standing, traditional in character and an asset to Aldbury and indeed the whole area. In about 1980 the brewery which then owned it disposed of it on the basis that it was unviable; however, the last forty years have demonstrated amply that this was not the case. The proposed alterations would in my view render the building almost incapable of operation as a pub, and it may well be that this is intentional. There has been no application for change of use, and unless or until such an application might be made and granted, alterations of this kind should not be considered. I am strongly aware of the case of the White Lion, St Leonards, where purchasers closed the pub and moved into it without change of use being granted. They were subsequently required by Chiltern District Council to apply for this, and it was refused. When they appealed, the appeal was turned down. The</p>

	pub was then sold and restored and is now a fully functioning and viable pub once more. The applicants have no business depriving the area of such an excellent pub, and the application should be refused.
13 Drummond Ride Tring Hertfordshire HP23 5DE	<p>I objected to the previous now withdrawn application as I want confirmation that this will remain a community asset and not become two houses. I see no more comfort given from this application so my comments remain the same.</p> <p>I object to this application as it clearly is a pre-cursor to a change in use from pub to residential.</p> <p>The Valiant Trooper was the first pub we visited when we moved into the area (Tring Station) 35 years ago and we continued to use it after we moved into Tring. It has always been popular as a base for the local community alongside the Greyhound and a welcome base for visitors to Ashridge and Aldbury.</p> <p>Breaking the link between the two buildings, converting the public toilets to a kitchen and infilling the windows clearly demonstrates a plan to change the building use. The change of use should be considered first and only after that any changes to structure and material.</p>
New Cottage Trooper Road Aldbury Tring Hertfordshire HP23 5RW	<p>Having read this application it appears to be quite clear that preparation is being made to split this property into multiple residences.</p> <p>This is not at all acceptable for a listed village such as Aldbury to lose the valuable asset which was a historic public house.</p> <p>Whilst I understand that owners cannot be forced to run a business from the property, I am most concerned about the ensuing developments.</p> <p>We cannot, and must not, change the nature and ecology of Aldbury. Property development will have an irreversible negative impact.</p>
New Cottage Trooper Road Aldbury Tring Hertfordshire HP23 5RW	<p>Having read this brief application it seems to me that there is an inadequate description of works to be done on such a listed building.</p> <p>The works which are on the application concern me greatly as it seems that preparations are being made to split the site into multiple residences. Aldbury is in an AONB and any development would be detrimental to the village. We must save our historic villages - not contribute to their destruction.</p>
3A Bridgewater Road Berkhamsted Hertfordshire HP4 1HN	<p>The Valiant Trooper public house has been at the heart of Aldbury village life for decades, even centuries. Villages like Aldbury depend on such local amenities in order to not only survive but to thrive.</p> <p>The building is of great historical value and as a pub has long been a place where locals have been able to gather and socialise. This has been true particular of the older and more vulnerable villagers. The pub is also known much further afield and has long been a hub and meeting place for walkers and cyclists.</p> <p>It would be a great shame for such a successful and popular local business were allowed to disappear for ever.</p>
39 Stocks Road	I am strongly opposed to the proposed work to be carried out on the

Aldbury Tring Hertfordshire HP23 5RT	<p>Valiant Trooper, Aldbury.</p> <p>This Grade II Listed Building is one of only two properties in Aldbury, and thirteen in Hertfordshire, of Cruck construction and is probably much older than its listing indicates.</p> <p>The revised proposal directly opposes its future use as a character public house and restaurant that the local community values so much. The design renders the building unlikely to fulfil its function as a viable public house and restaurant.</p> <p>From the application submitted one is led to only assume that a future application will be to submit a change of usage proposal to split the building into 2 separate residential dwellings. However, the current layout could be altered to allow the building to operate as a single viable and profitable unit as a public house serving good beer and traditional "pub grub" which is desperately needed by the village and its many visitors.</p> <p>My concerns are as follows :-</p> <ol style="list-style-type: none"> 1. The main public house toilets have been replaced by a kitchen that is not of workable size for a commercial kitchen as shown by what seems to be a small domestic kitchen layout. The Kitchen has no access of its own and hence all supplies and waste will be transported through the customer designated area. 2. The replacement toilets, of unsuitable size and number, are not designated by sex, which one would expect in public house. The overall number reducing by half. 3. The removal of the glazed connection room between the public house and the barn style restaurant detracts from the combined use of the building as a public house and restaurant and creates two separate entities. 4. The rearrangement of the side doors and windows of the restaurant that currently overlook the public house garden and the car park are an indication of potential future use as a residential property, by creating an air of privacy and separation between the two potential buildings. 5. The application is unclear regarding the availability of toilets for clients using the restaurant as its existing toilets are to be removed and there will be only external access to the very limited public house toilets. 6. The restaurant kitchen and kitchen prep area both appear to have double doors onto the public house garden. This is an unsecure design and would not deter persons casually entering those areas. 7. Changing the titles that indicate the proposed usage of certain areas i.e. "Bar" to "Servery" and "Restaurant" to "Function Room" are clear indication that the longer term intention is to change the use of the building. 8. The Valiant Trooper has been a highly valued village public house that the local community enjoyed as a social meeting place and it should continue to serve the community in the manner going forward. The business could continue to be a profitable operation as it has in the past. The village has seen a rapid increase in the numbers of visitors coming to participate in walking, cycling etc. and these would all increase the business ability to operate profitably.
Dragonfly Cottage 46 Malting Lane Aldbury Tring	The pub was a central part of the Village and could be again. If these plans go ahead, that opportunity will be lost forever and the pub and all its heritage will have vanished forever.

<p>Hertfordshire HP23 5RH</p>	<p>Having recently gone through planning permission myself to carry out very minor works on an 80s build of no historic value in the village, it's shocking to see something with real conservation value being changed in this way with further changes even being considered. I was told I could only paint my front door a dark colour. How can the Valiant Trooper, a grade II listed building, be allowed to be brutally changed beyond recognition?</p> <p>The UK is losing an unacceptably high number of pubs, and it is important to keep these assets. It is incredible important to villagers ; and would attract many visitors who come to Albury throughout the year. This is a grade II listed pub, so no ordinary boozer, but an important part of British heritage. And what's more, it's in a Conservation Zone. It defies belief that any changes that stop it being a pub in the future are even being considered.</p> <p>Removing the link between the two buildings changes the nature of the property forever and paved the way for making it residential in the future. Blocking in doors and windows, and reducing the footprint of the remaining "licensed area and having a "function room" in the plans without access to a toilet also worry me.</p> <p>The village doesn't need more expensive housing and to become just another soulless , 'dead' village. The village is special precisely because of the shop and the two pubs which have given so much to the community and to visitors from all over the world. In berkhamsted and Tring there has been lots of imaginative regeneration of pubs and they support a great deal of trade. I really hope the The Valiant Trooper could have a similarly buoyant future , but dividing the building in two doesn't support this.</p>
<p>Cherrycroft, Trooper Road, Trooper Road Tring hp235rw</p>	<p>I do not understand why this fresh application has been submitted as there are only a few words that differ from the previous application 22/01328/LBC. I strongly object to the proposed modifications to the Valiant Trooper Public House as they will render the pub unviable as a business. I believe that this historic pub should be given a chance to survive and I cannot see that the alterations enable either a wet-led or food-led establishment to thrive as a pub/cafe. The current plans offer a retrograde step by reducing the size of, and access to, the kitchen. Moreover the re-location of the toilets appears odd as they are not easily accessed from the function room.</p> <p>Additionally I am confused as the Owner conducted guided tours of the property on Thursday 16 June during which it was claimed that the Function room will be a Delicatessen/Farm Shop and Take-Away, also one section of the room would be converted into a second kitchen.</p>
<p>High Trees 7 Beechwood Drive Albury Tring Hertfordshire HP23 5SB</p>	<p>Postscript to my earlier comments/objection</p> <p>The applicant has been allowed to add two supplementary documents on the 23rd and 28th June, over two weeks after the original application submission and just as the public consultation period ends.</p> <p>The first is a partial and somewhat unrepresentative selection of</p>

	<p>Facebook social media posts - copied and pasted from a private Facebook group without permission from the group administrators or the members concerned. This is the first time I have ever seen social media posts being allowed as part of a planning application.</p> <p>The second is a statement outlining the claimed real intent for the Valiant Trooper and confirming some of what has been stated at the "open day". The current restaurant is not to be a "function room" as stated on the plans but a farm shop, deli and cafe.</p> <p>Given the area of the restaurant is over 50% of the total floor area of the Valiant Trooper this represents a significant and material change of use of the <i>sui generis</i> public house status was for which appropriate permission should be sought.</p> <p>Moreover, such late submission of new and partly contradictory information that is not consistent with the plans submitted, should mean this application as a whole is invalid and should be withdrawn.</p> <p>A revised full submission that is clear and consistent about the intended use of the whole site and which allows the consequences of these changes on parking, layout, lavatory provision, access and so on should be submitted.</p> <p>This is only fair to allow interested parties to review, reflect and respond properly having had sufficient time rather than being sneaked in at the last moment when few will notice this extra information and even fewer will be able to comment.</p> <p>Dear Sirs</p> <p>While I am pleased to see the long overdue repairs and maintenance to the building, this application (like the previous one just withdrawn) seeks major changes to the Valiant Trooper public house.</p> <p>This is a Grade 2 listed, historic pub which was very popular and profitable until 2013/2014 approx. after which the last tenant succeeded in driving away many regulars and much business.</p> <p>I understand the whole site is covered by the Grade 2 listing and as a public house is in its own "<i>sui generis</i>" class.</p> <p>The new application (like the last one just withdrawn) seeks changes to the layout, design, access, number of lavatories and hence operation and usage.</p> <p>If the pub cannot function successfully as a pub, because of changes now made, and subsequently fails to be viable economically, then these changes are in effect forcing a change of use to something other than a pub, assuming it is now allowed to stay empty once the pub fails. Therefore, some of these changes - and the consequences of them - are material considerations.</p> <p>1. The Application Form incorrectly says NO to the question "Does the proposal include the partial or total demolition of a listed building" - since it is proposed to remove the glazed link (for no obvious reason) connecting the front part of the public house to the restaurant building this is incorrect.</p>
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	<p>2. The Restaurant - it is proposed to remove the glazed link connecting the front of the public house to the restaurant which is the current route between the two. Moreover, the smaller, internal door (which was the original way through before the glazed link was added) near to the fireplace is to be blocked and is denoted as a "store". In any case this door is narrow and if used again would reduce space in the restaurant and hence seating capacity.</p> <p>The owner has made it clear that the Restaurant (though marked as "Function Room" on the plans) is to be operated separately by a different organisation to that running the front pub/bar. This means the revenue from the "restaurant" is no longer part of the pub's income.</p> <p>No pub survives on drinks sales alone (except in major metropolitan areas) - all the pubs within a 10 mile radius of Aldbury are run as both drinks and food operations. There are many examples of recently relaunched pubs with food thriving, but none without.</p> <p>There is no need to remove the glazed link or prevent direct access between the restaurant and front part of the pub unless one is intent on destroying the viability of the pub.</p> <p>But by removing it, and separating the two "businesses" or operations, the viability of the pub is compromised which will inevitably lead to a change of use (unless it is to stay idle and empty).</p> <p>Above all else, this is the single critical step that will lead to the loss of the Valiant Trooper as a functioning, viable, public house and as such must be resisted.</p> <p>3. The Restaurant building takes up over 50% of the footprint of the building and for some reason it is marked on the plans as a "function room" which, if true, is a change of use for a majority of the listed building. As such this requires a change of use to be sought and granted.</p> <p>4. New Entrance/Exit from the restaurant - this is shown as exiting onto the car park. If so sufficient space and possibly barriers for protection and safety of pedestrians should be considered. If parking space is given up, this reduces the amount of car parking available which is a significant problem already in Trooper Road.</p> <p>5. Restaurant usage - if (as the applicant claims) this is now to be a "farm shop" or "deli" (change of use required?) then the visiting traffic generated could be significant (as has happened with Jeremy Clarkson's farm shop) and overlap with that generated by the pub. A farm shop in Aldbury could be desirable but would be far better situated elsewhere where parking space is not already at a premium.</p> <p>6. Lavatories - currently the restaurant block has two (unassigned) lavatories and the public house has one ladies lavatory and a gentlemen's with two urinals and a lavatory. The application seeks to reduce this to just TWO (unassigned) lavatories with NO lavatories at all in the restaurant (aka function room or farm shop or deli) block. This is not compatible with a busy pub and restaurant. How can a "function room" (even if change of use was granted) function without lavatories?</p>
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	<p>7. Verbal representations made by Applicant - the applicant has made verbal assurances and representations at an "open house" and elsewhere leading to comments on social media. These have been partially copied and pasted to a document and sent in to Dacorum in support of the application and uploaded recently by the case officer as "Supporting Information".</p> <p>Yet the verbal representations made do not match the proposal submitted - for instance the "restaurant" or "function room" is now being described as a "farm shop" or "deli" or "cafe". Mention has also been made of possibly building two social housing residences at the top of the car park.</p> <p>This would dramatically reduce the car parking available for the pub and restaurant/farm shop to allow for access and parking for the residents.</p> <p>Dacorum Borough Council should dismiss these "selected" social media comments as being based on verbal, unsubstantiated and possibly inconsistent statements. Many do not use social media at all or are unwilling to make sceptical or critical comments - especially as this is becoming a divisive topic - and so this is a very skewed, self-selecting and unbalanced set of responses.</p> <p>Overall Dacorum Borough Council needs to consider the implications of all the above changes, their impact on the viability of the pub as well as the impact on parking and reject those aspects of this application that compromise the future of the pub.</p>
Badgers Crossing 3 New Ground Road Aldbury Tring Hertfordshire HP23 5RJ	<p>Planning proposals - Objection</p> <p>I remain opposed to the plans for the Valiant Trooper. My objections fall into three sections:</p> <ol style="list-style-type: none"> 1. The function room 2. The main building 3. The overall premises <p>Before setting out my objections I would like to stress how supportive I am of the Valiant Trooper being under new ownership. The Trooper had declined alarmingly under the previous tenants (long before Covid) and barely opened during the pandemic. It needs new blood and new life. I also value the Trooper being owned/run completely independently of The Greyhound. I firmly believe this could stimulate innovation and healthy competition and enhance village life and bring employment opportunities for local people. My concerns are about the nature of these proposed changes, not change itself.</p> <p>1. The function room</p> <p>I would ask the planners to consider whether the proposed plans do actually represent a building that could be used as a function room.</p> <ul style="list-style-type: none"> - The room seems to have no access to any toilet facilities without the need to go outside and back in through the doors of what is now the pub. - I would expect a function room to have access to an attractive outdoor terrace/patio but one set of external double doors leads off from the kitchen (obviously not accessible to customers) and the other through a room that is not labelled; doesn't seem likely that this would be just an entrance lobby as it's almost half the size of the function room itself. A

	<p>third door leads to the carpark.</p> <ul style="list-style-type: none"> - The only windows face the carpark. I've never seen a function room where the windows look onto a carpark and not onto the garden/patio area. - I cannot imagine that this building, as drawn, would be an attractive or practical function room and I object to these changes on the grounds that it would create a building not fit for the purpose it is being presented for. - During the open event (which I strongly welcomed) this room was presented as being a Farm Shop and not a function room but there is no mention of this on the revised plans. Again, the layout makes little sense, for example, those double doors from the kitchen, the large entrance hall and the kitchen itself which is bigger than the one in the main building. <h3>2. The main building</h3> <p>I would ask the planners to consider whether the proposed plans would enable the publican/owner to operate a viable business, if they do not then the future of the Valiant Trooper could be at risk.</p> <ul style="list-style-type: none"> - The Valiant Trooper has been a pub for over 200 years and I firmly believe that with the right adaptations it could thrive for many more years. I do understand the need to modernise, but these adaptations seem to reduce rather than enhance the likelihood of it being able to succeed and a viable business whether that be a traditional pub, restaurant or café/bar. - Successful pubs rely on their food offering to be viable. In re-launching the Grand Junction at Bulbourne for example, the owners extended the kitchen to enable them to produce sufficient covers for the business to be profitable. The kitchen in the listed building of the Valiant Trooper is smaller than the original and any food carried from the 'function room' kitchen would need to be carried across the outdoor patio area; hardly practical in wet and darkness of a British winter. - The creation of the function room/farm shop effectively separates this premises into two, so changing the use of the overall site. - I have read several comments (not attached to this application specifically) questioning the viability of having two pubs in the village but none have been supported with any kind of business plan/projections and I urge the planners to make sure decisions are based on data and not speculation and that they take account of the needs of our many visitors as well as those of us who live here. <h3>3. The overall premises</h3> <ul style="list-style-type: none"> - The incremental way the plans are being submitted and changed does little to provide a clear vision of what's really going on and what's planned for the site in the medium and longer term. A written plan would be invaluable; is it a pub or a licensed café? (I note the term has been removed), a function room or farm shop? Is a 'fourth phase' of social housing planned or not? - While at first glance the changes proposed to the Valiant Trooper might seem unremarkable (blocking up a few windows, removing the glazed link between the old and new parts of the building) I question the direction in which the proposed changes are taking this property and would make it clear that I would object to any future change of use request. - I would also stress how important it is that the carpark is fully retained
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	<p>as these works progress; without it the strain on parking (on Trooper Road and into Stoneycroft) would be greatly increased and present a real danger to pedestrians, cyclists and motorists.</p>
1 Brays Gate, Chalk Lane Hyde Heath Amersham HP6 5SA	<p>I wish to strongly object to the plans currently before the council to make alterations to the building until recently operating as the Valiant Trooper public house.</p> <p>I think it is disgraceful that the applicants have withdrawn the original application and have submitted a further application which only seems to differ from the original in minute detail. This is clearly an attempt to make it appear that the number of objections are less than is actually the case as many people will not pick up on the second application.</p> <p>I have used the pub on numerous occasions over the years both as an individual and as a member of a walking group.</p> <p>This is a listed building in a conservation area and yet none of the alterations are in keeping with this status.</p> <p>The proposer's stated aim is to alter the Valiant Trooper from a pub to a café and yet given the bad feeling that the proposal has created in the village and elsewhere in the locality, it is difficult to see where the market for the proposed café will be. As such this is clearly a false flag operation with a long term view to changing the building from a public house into two domestic premises and making a significant profit in the process. Under the circumstances, the council should see through the proposal and reject listed building consent.</p>
Heamoor Cottage Trooper Road Aldbury HP23 5RW	<p>Whilst appreciating that it is only the details contained within the application which can be considered, I must express concern that these proposals are at variance with those described to me by the applicant at his recent "open day", namely:-</p> <ol style="list-style-type: none"> 1. The western end of the "function room" is to become a kitchen serving both the public house and the farm shop. No kitchen is shown in this location. In fact a kitchen is shown at the eastern end of the proposed shop; 2. The doorway on the southern flank, at the western end, of the function room would provide access between the proposed kitchen and the public house. On the present application this is indicated as a store with a wall blocking off any connection between the two; 3. The proposed kitchen at the southern end of the public house will also be used as a storage area due to the reduction in space within the cellar resulting from the reduction in ceiling height. This would mean that this kitchen which is barely large enough to function would have the very limited space further reduced. 4. The installation of a toilet for the disabled adjacent to the window labelled W42 on drawing number 7270-14 (no toilet facility is indicated). <p>Turning to the submitted application, I feel that some context is needed with regard to the building and history before commenting.</p> <p>The Valiant Trooper (Grade II listed and situated within a conservation area) has been a hostelry for more than two hundred years and during that time has undergone numerous alterations. However it has</p>

	<p>remained, for the most part, a social hub for Aldbury and beyond, and provided a focal point for the village.</p> <p>Sadly there was no indication that the property was being sold and as a result no one, apart from the purchaser and the vendor, had knowledge of this fact. As soon as information was in the public domain, applications were made to Dacorum Borough Council for listing as "an asset of community value". However as the sale had already taken place the application was deemed to be ultra vires by the council.</p> <p>In recent years, modifications such as the semi-circular glazed rear extension have been made to allow the original bar area and the converted stables to function as a whole and allow ease of circulation around the ground floor" public area" which is formed by the bar and the restaurant.</p> <p>Since the change of ownership there has been no attempt to open the property for the established use as a public house and restaurant.</p> <p>In addition I am led to understand that subsequent to the sale of the property certain possible planning contraventions have or are being investigated.</p> <p>Turning to the present planning application I would comment as follows:-</p> <p>The proposal to remove the "glazed link" will effectively sever connection between the existing bar and restaurant and would create two separate units. I would imagine that this action would devastate the financial viability of the premises, resulting in an immediate application for a "change of use".</p> <p>In fact the proposal appears to indicate the removal of any connection between the bar area and the stable block making them two "stand alone" units. No reference is made about this "change of use"/subdivision on the application form's description and this may mean that the application is void and should not have been validated by Dacorum Borough Council in the first place.</p> <p>The proposals appear to drastically reduce the toilet provision of two "women's" and two "gent's" to one "communal". As the present use is a public house/restaurant, and no change of use application has been made, then surely the existing toilet provision should be retained.</p> <p>The lowering of the cellar ceiling, even if "building regulations" allow, will create operational problems with one of the "essentials" of a functioning public house. The public house has functioned for many years with the existing floor levels. One can only speculate upon the real reason for lowering the floor level (and thus the lowering of the cellar ceiling) behind the bar. To provide a level floor when the bar is removed perhaps?</p> <p>In order to provide safe pedestrian ingress and egress via the proposed door from the carpark will require a reduction in the number of available parking spaces. (The application form does not appear to make</p>
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	<p>reference to the insertion of this door.) This is totally unacceptable as the village already struggles to cope with "on-street" parking.</p> <p>Firstly I would urge the committee to fully consider whether or not this is a valid application and whether or not it should even go forward for discussion.</p> <p>If the application is deemed valid then I would object on the grounds mentioned above and urge the committee to refuse the application.</p> <p>I appreciate that the buildings are in need of considerable renovation, but these should not be to the detriment or loss of a village asset.</p> <p>With the continued submission of information regarding this application I find I must make yet more comments.</p> <p>The statement of intentions now made as part of the application is merely a collection of words.</p> <p>There can be no guarantee that the contents will ever come to fruition and therefore no weight can be given to them.</p> <p>Thus this statement should have no bearing on determining the present application.</p> <p>If the statement is sincere then perhaps the present application should be withdrawn and a new application made detailing the statement's contents.</p> <p>I urge refusal.</p> <p>Further to my earlier objections, which were based on the information available at that time, I now note the applicant has submitted, at the eleventh hour, further "information" which appears to have been gleaned from their extensive trawl of social media sites.</p> <p>History teaches us that such sites can be manipulated to encourage support for whatever cause one chooses and thus is wholly unreliable. (No doubt a trawl for opposition to the application would result in similar volumes.)</p> <p>This being the case, there can be no legitimate reason for DBC to give any consideration to this "additional information".</p>
8 Malting Lane Aldbury Tring Hertfordshire HP23 5RH	<p>The important historic nature of the Valiant Trooper will be destroyed by this development and in time the amenity of the public house will be lost entirely. This is not a country pub, visited in season, but a valuable amenity for Aldbury.</p> <p>There is no need for any works that destroy the integrity of the building and take away from the amenity of parking both for residents and the great number of visitors to this pretty and in part medieval village.</p>
27 Charles Street Berkhamsted Hertfordshire HP4 3DG	<p>I object to the proposed alterations.</p> <p>The Valiant Trooper is a pub. The Listed Building Record notes that it has been a pub for over two hundred years. The Record also notes that in the 1980's the stable wing was converted to pub accommodation and was connected to the main building via a glazed link. The stable wing and glazed link are parts of the listing and are integral parts of the pub.</p> <p>These proposals remove the glazed link and divide the building in two,</p>

	<p>both functionally and physically. If the pub were to halve in size and lose its restaurant it would in all probability fail. Moreover, if at some point in the future either part was to be sold alone, the opportunity to recombine the pub to its present size might be lost forever.</p> <p>The sub-division of the pub must not be allowed to proceed. The section drawn through the bar area indicates that the "modern floor" should be removed and the floor reinstated at its original level. The section shows that this would reduce the headroom in the cellar to approximately 1.6m. This is inadequate (and is presumably the reason that the floor was raised in the first place). It would render the cellar, and hence the pub, unusable. The floor level should be maintained (or the cellar floor level lowered) to ensure that the cellar can function effectively.</p> <p>I wish to comment on the recently added "supporting information" documents uploaded on 23rd and 28th June respectively.</p> <p>1) 23rd June document - this amounts to little more than a series of screenshots from Facebook. These would have been made in the context of a social media discussion and without reference to the planning application drawings. As such they are irrelevant and should not have been uploaded in the first place</p> <p>2) 28th June - this statement, made suspiciously towards the end of the consultation period, contradicts the information on the LBC application drawings and consequently the application should be refused pending receipt of the "formal planning application later this year."</p> <p>I wish to comment upon the Conservation & Design (DBC) comments posted on 22 August 2022.</p> <p>These comments generally address necessary repair & maintenance works. They imply, however, that the lowering of the bar floor, and the proposed removal of the link structure fall within the scope of necessary repair and maintenance. They do not. These works are alterations and have nothing to do with preserving the fabric of the building. Whilst they may be acceptable from a conservation standpoint they are highly detrimental to the functioning of the pub. The lowered bar floor restricts headroom in the cellar to an impractical 1.6metres and the removal of the link would sever the connection between the pub and its restaurant. As such the proposed alterations should be refused and the bar floor reinstated to its previous level.</p> <p>The comments go on to discuss the viability of the pub. I don't expect that the Conservation & Design team have any particular expertise in this area and that therefore their comments should carry equal weight to mine, as I too have no particular expertise regarding pub viability. My opinion on the matter is this:</p> <p>1) The pub is assumed to be non viable because a report has been produced that says it is non viable.</p> <p>2) This assertion is purely speculative. A truer test would be to offer the pub for sale on the open market. This has not happened.</p> <p>3) The best chance for the pub to remain viable is to maintain its restaurant. Any proposal that severs this connection and reduces the pub to half its current size cannot be considered to be a proposal that is in the best interests of the pub.</p>
13 Stoneycroft Aldbury Tring	<p>I Strongly object to this planning application.</p> <p>I am astounded that this planning application has been submitted as it</p>

Hertfordshire HP23 5RL	<p>is the same as the previous one of 22/01328/LBC This plan is the same alterations plan with just a few wording changes.</p> <p>It looks to be a cunning attempt to re-issue the same plans and by withdrawing the previous one clears all the objections that should be carried over as the plans are identical.</p> <p>The Valiant Trooper is an historic building and should remain with the thoroughfare to the Restaurant as this maximises the full potential of both Pub and Restaurant.</p> <p>The plan shows a new kitchen in place of the toilets opposite the bar. This is too small to generate enough business</p> <p>And the proposed new toilets are too small for a successful pub.</p> <p>These alterations mean it will be IMPOSSIBLE for the building to be operated in a hospitality venture of any sort, the small downsized pub would not be viable and destined to fail.</p> <p>The planning looks to be a deliberate attempt to eventually make the property into residential, none of the proposed planning would enhance the property into being an efficient pub/restaurant that it once was, the plans only lead to paving the way for the next application as change of use. The internal proposed plans to sever the connection between pub and restaurant would be disastrous for a vibrant pub/restaurant that it used to be.</p> <p>The Valiant Trooper has been a public house for 200 hundred years, it is the Village Pub, a Pub for the Villagers and is enjoyed by Villagers and Visitors alike. Having lived in the Village all of my life the Valiant Trooper is the hub of the community, it serves as a social meeting place, a place to have a drink, and a meal, local trades persons to discuss business, several clubs use the Valiant Trooper weekly, the pub and restaurant is often used for birthday parties etc.</p> <p>The Valiant Trooper is situated in an ideal location, it is in the very picturesque Village of Aldbury in the Chiltern Hills at the edge of the Ashridge forest, the Pub, Restaurant, and Gardens with a large car park make the Valiant Trooper a unique Historic Village Pub with great business potential.</p> <p>The Valiant Trooper must remain as a Pub/Restaurant, it has great value historically and for the local community.</p> <p>I strongly object to this planning.</p>
5 Trust Cottages Ringshall Berkhamsted HP4 1NF	<p>We would like to strongly object to the proposed planning application to the Valiant Trooper Aldbury.</p> <p>On the basis of the potential loss of a significant community asset and the loss of an historical feature in Aldbury that contributes to the overall character of the Village.</p> <p>As per previous comments the submitted plans do not appear to be in line with the needs required to run a viable business but rather a move towards a change of use into residential property. The splitting of the existing pub into two separate units appears to further support that this is the goal of the developers.</p>

	We would urge the planning committee to reject this application.
The Hollow Toms Hill Road Aldbury Tring Hertfordshire HP23 5SA	<p>The application states no partial demolition of a listed building is proposed but the glazed link is being removed completely (mentioned in the Heritage England listed notes) and the introduction of new windows and doors will require demolition (in part) of listed brickwork. REFUSE THIS APPLICATION. If your consultees have taken the application form at face value, they may be unaware that demolition is involved. They should be re-consulted. REFUSE THIS APPLICATION.</p> <p>Piece meal submissions by the applicant is making it difficult for planning officers and the public to assess the full proposals. The application should be withdrawn and a new fully detailed (and corrected) application made. REFUSE THIS APPLICATION</p> <p>The current approved planning permission for this building is for a single Public House. The proposals split the building into two separate businesses and changing its current use. The applicant does not include a change of use application. REFUSE THIS APPLICATION Demolition of internal walls to existing toilet areas (NE) not mentioned in the application. The application has errors and omissions and is misleading. REFUSE THIS APPLICATION</p> <p>Changing and adding fenestration will completely change the character of the listed property. REFUSE THIS APPLICATION</p> <p>Removal of existing load bearing walls (NE toilet area), new windows/doors and addition of new walls will require new structural elements not to mention new foundations that will undermine the listed buildings foundations. The structural details are not included in the application and listed buildings (original) foundations will likely require underpinning to safeguard them. The application is silent on these works. The fabric of this listed building is being irrevocably destroyed. REFUSE THIS APPLICATION.</p> <p>The "summary of significance" referred to in the VT Heritage Statement April 2022 (page 16; point number 18) is not included in the application. More omissions than the Public cannot review and comment upon. REFUSE THIS APPLICATION</p>
3 Malting Lane Aldbury Tring Hertfordshire HP23 5RH	<p>We note that the previous planning application was withdrawn and that the new application shows a very minor evolution of the proposals. It does however remain in part confusing and potentially contradictory to statements made at a recent site visit.</p> <p>We consider that our previous objection remains valid, namely that there is a change of use by stealth here as the current link attached restaurant is being decoupled from the public house which results in the creation of two planning units. This is not adequately described or assessed in the planning application submission. As before the split of the two buildings results in a questionable outcome as neither seems viable without the other, with facilities such as wc's reduced or removed entirely which may result in a non-compliance with relevant legislation covering WC's and requirements under the Disability Discrimination</p>

	<p>Act. This should be checked with your public protection officer and be explained in a Design and Access Statement.</p> <p>A further concern is that during a tour of the Site conducted by the developer/owner it became apparent that there is a different overall objective to that being presented, which seems to be redevelopment of the car park for more valuable residential uses and potentially to change the function room to a shop.</p> <p>Given that the proposed development (separate function room or perhaps even shop?) could now result in more traffic than the existing situation (pub with restaurant), as concurrent events could occur at the same time, and a function room could attract a very significant number of guests - e.g. for a wedding - it is considered necessary to attach a planning condition to ensure retention of the car park for parking use only. It should also be considered whether permitted development rights should also be removed. This is because Trooper Road already frequently has problems with cars blocking the road which would be a very real concern for a fire tender or other emergency vehicle. Any additional parking pressure or traffic movements would exacerbate that situation.</p> <p>In terms of the changes to the public house it does seem questionable as to whether this would remain viable as a standalone business without the larger scale kitchen facilities and the full footprint offered by the former restaurant wing to generate income, and with a lack of adequate wc's. This may risk the future of this listed building.</p> <p>We note there is now a further statement adding information to the plans following the open day. This appears to contradict what has been submitted in the formal documents, ie the 'function room' is now a farm shop. The old part of the building is now declared a pub. There is also a new cafe. Again there is a clear change of use / separation of planning units occurring here that needs full explanation and consideration. Impacts on residential amenity from deliveries to a shop could be a major concern if undertaken at inappropriate times of the day.</p> <p>A shop, cafe and pub would also result in significant car parking problems due to the intensification of use, plus there will also be a need to manage deliveries. It again reinforces the need to control car parking through an appropriate condition.</p> <p>Overall Dacorum Borough Council needs to clarify the proposed development and consider the implications of all the above changes, their impact on the viability of the pub as well as the impact on parking and reject those aspects of this application that compromise the future of the pub or result in a danger to highway safety.</p>
3A New Ground Road Aldbury Tring Hertfordshire HP23 5RJ	The proposed application will radically change the existing pub - making the pub too small to be viable. The application appears to be an attempt to kill off the pub without asking for a change of use. The Valiant Trooper is an historic building and important to the community. It would be great shame if the pub was destroyed by stealth. The application proposes to sever the access to the main pub to the current restaurant area - an essential part of a viable pub.

	<p>The existing kitchen has been removed together with all the equipment. The plan shows a new kitchen in place of the toilets opposite the bar. This is too small to generate enough revenue.</p> <p>The proposed new toilets are too small for a successful pub.</p> <p>The windows and doors of the current restaurant (function room) facing into the courtyard are to be blocked up and small windows looking onto the car park and a door added. It seems hard to imagine what this room would actually be used for.</p> <p>There is a second kitchen that is shown at the end of the 'Function room,' but it does not look like a commercial kitchen and would not be able to service the pub.</p> <p>The original application, which was approved, showed the toilets and kitchen largely unchanged but now in this revised proposal they are fundamentally changed which will not allow the pub to be viable.</p>
1 Pheasant Close Tring Hertfordshire HP23 5EQ	<p>I object to these plans on several grounds. First and foremost, these represent the loss of a valued and historic pub. As the developer himself admits, there has been a pub here for hundreds of years, and one bearing the name Valiant Trooper for close to 200 years. That is a lot of history to risk throwing away.</p> <p>Up until it was bought and closed, many local groups used the pub regularly, and feel its closure keenly. Whatever this planned replacement is, it's not a pub. And it will not serve the community in the same way. There is still a chance to rescue the pub and return it to community use. IF these plans go ahead, that opportunity will be lost and the pub and all its heritage will have vanished.</p> <p>The UK is losing an unacceptably high number of pubs, and it is important to keep these assets. Many people (me included) travel miles to visit good pubs, enjoy the local ale, possibly eat food if available, but mostly to soak up the atmosphere. This is a grade II listed pub, so no ordinary boozer, but an important part of British heritage. And what's more, it's in a Conservation Zone. It defies belief that any changes that stop it being a pub are even being considered.</p> <p>These plans are an insult to the community. Blocking in doors and windows, and reducing the footprint of the remaining "licensed cafe", shows that the owner does not intend to keep this going as a pub. There's a "function room" in the plans without access to a toilet. That just demonstrates what a bad-taste joke the plans are. It is clear what the developer wants to do - that is, to turn the pub into flats. I urge the planners to reject this mendacious, transparent, cynical attempt to rob the people of Aldbury, Tring and Dacorum of a treasured building and business.</p>
1 Brays Gate Chalk Lane, Hyde Heath Amersham HP6 5SA	<p>I strongly object to the proposed changes as this is a listed building with significant historical value.</p> <p>This planning application is the same as the original, with a few minor details added. This simply looks like an attempt at reducing the number of objections. Any previous objections should be carried over automatically!!</p> <p>The nature of the stable block will be completely changed by blocking</p>

	<p>up windows onto the courtyard.</p> <p>The installation of glazed screen doors to South East elevation are not in keeping with the existing listed building. They look more appropriate to a residential building than a pub.</p> <p>The loss of the glazed connecting area will stop the building functioning successfully as a pub as the existing restaurant will no longer be internally accessible. The restaurant and food offering are an integral part of a successful pub.</p> <p>Replacing the toilets with a small kitchen in the pub area and having a separate kitchen in the stable block does not make sense if these are to be used for preparing food for pub meals. It does however make sense if the real intention is to change the premises into two domestic properties and this applies to all the proposed alterations.</p> <p>Aldbury is a very attractive village and attracts many visitors. The Valiant Trooper used to be frequented by walkers and cyclists as well as being a community hub for the village.</p> <p>I strongly urge you to reject this proposal as this was a very successful pub and the proposed changes are detrimental to the viability of the operation.</p>
The Spinney Toms Hill Road Aldbury Tring Hertfordshire HP23 5SA	<p>We were staggered to see that this application is a near replication of planning app 22/01328/LBC which seems to have been removed.</p> <p>There were nearly 50 public comments of objection to the previous application and we would urge Dacorum Planning to take these into consideration in addition to those on this latest application.</p> <p>The Valiant Trooper is a 200 year old public house and has (and should be) been a real asset for the fabric of the Aldbury community.</p> <p>It doesn't take a genius to figure out that this application is a cynical attempt to get the existing public house split into two residential dwellings which will be swiftly strongly followed by an application for 3-4 town houses on the car park.</p> <p>This is a historic community asset that should be allowed to thrive again. We strongly oppose this application.</p>
Badgers Crossing 3 New Ground Road Aldbury Tring Hertfordshire HP23 5RJ	<p>First I welcome the current owners recent initiative to show people round the site and share their thinking - dialogue is a positive way of engaging the community.</p> <p>I'm concerned that the plans appear to be evolving 'on the fly' with withdrawals, resubmissions which show little change but nullify objections to a previous version which is very similar. Then additional information submitted late in the window to object/comment following feedback gleaned during an open day.</p> <p>I will be in support of changes so long as they don't ultimately render the pub unviable and don't lead to residential conversion of the pub</p>

	<p>and/or the car park. I don't feel I can trust these concerns are addressed and assured at the moment.</p> <p>Therefore I'm registering an objection at this stage because there are change of use intentions clearly stated. I would like the plans to be resubmitted consistent, clear and comprehensive which could then be reviewed by stakeholders and approved subject to limitations specified by the planners which protect against these concerns - specifically changes to parts of the pub that may be critical to its viability and sufficient provision of parking.</p> <p>During the open day the owner and partner told those that attended that there were various phases (1-4)</p> <ol style="list-style-type: none"> 1) To restore the older part of the pub and to open it as a pub by the end of the year run by a manager/ external operator to be brought in 2) To convert the former restaurant - now to a farm shop having specified it as a function room on the submitted plans. They stated that windows facing on to the courtyard would be blocked in to prevent sunlight from the west which would damage fresh produce. The large double doors at the end will allow natural light into the shop whilst not damaging the produce. This seems an odd explanation. 3) Make the outbuilding into a licenced cafe 4) They said they were looking at building 2 social houses on the car park. <p>They also said that the entire garden area would be retained for use by the pub and deli café - a positive and essential reassurance which I'd ask the planners to take into consideration as a key requirement to support the pub's viability.</p> <p>Comments</p> <p>Phase 1 - restoration of the older part of the building. This is welcome and I thank the new owners for their investment and effort to restore this. However there should be consideration given to whether this approach and the detail within it will really be viable as a standalone business without larger scale kitchen facilities and the full footprint offered by the former restaurant wing to generate income for the pub. Separation of the two buildings by removing the glazed connection may prevent the pub from being viable.</p> <p>Phase 4 - the carpark. Though this is not within the scope of the current application it is clearly under consideration as stated by the owners. I would ask the planners to consider stipulating the car park must remain at its current size to support both or either of the pub and the farm shop. Each business has the potential to fill the car park and combination certainly so. Building on the car park at a later date would put huge pressure on surrounding roads with poor parking which is already dangerous and unacceptable</p> <p>Change of use</p> <p>The owner (or owner's partner) stated that right from the start they have always intended to subdivide the property into different offerings to secure sufficient return on their investment.</p> <p>The Valiant Trooper pub (pub and former restaurant I believe) is Grade 2 listed and as a public house is in its own "sui generis" class which</p>
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	<p>means change of use must be sought if it is to be something else. I would ask the planners to consider first whether the changes applied for in this latest application are facilitating change of use of this property, what they imply for later applications which are change of use and whether these incremental steps are likely to support or make unviable a pub on this site and open the route for residency.</p> <p>Contradictory piecemeal submission</p> <p>The plans first submitted to the council made no mention of continuation as a pub but suggested change of use as per the labelling of the entrance 'entrance to licenced café'</p> <p>Having attracted a large number of objections the plans were withdrawn and resubmitted looking very similar to the first set but no longer stating 'licenced café.'</p> <p>Close to the deadline for commentary on the revised plans, and following a public open day, two supplementary documents were added:</p> <p>Evidence of dubious provenance - The first with print-screens of selected comments positioned to show support from a Facebook group. This is not appropriate. There is opportunity to publicly write favourable comments on the planning page by those individuals as there is for others to object. It is surely up to those individuals to do so and not for the property owners to construct and submit a summary of them from such a source. Besides there is no context for those comments and questions regarding permission to reproduce them for these purposes. This, therefore, should be discounted.</p> <p>Second, a statement adding information to the plans following the open day. This contradicts what has been submitted in the formal documents, ie the 'function room' is now a farm shop. The old part of the building is now declared a pub.</p> <p>I feel there is a way to go to build trust - however bringing clarity to the plans and safeguarding aspects which could be detrimental or against the interests of the village and neighbours with careful planning oversight should lead to a good solution for all.</p>
3A New Ground Road Aldbury Tring Hertfordshire HP23 5RJ	<p>This new application does not differ to the previous application 22/01328/LBC. My objections to the application remain the same. I strongly object to this planning proposal. The Valiant Trooper has been a pub for over 200 years and has played a vital role in the community in this village. This proposal, whilst superficially seeming to maintain the idea of a pub, seems to be splitting up the property into two separate entities, and will diminish the pub and render it not fit for purpose.</p> <p>The kitchen facilities are reduced and would not seem adequate enough to generate a sustainable business. Likewise, the single toilet and baby changing facility would be insufficient for a public house.</p> <p>The proposal to remove the glass panelled link currently connecting the pub to the restaurant area will mean that access between the two sections is blocked. The new 'function room' would thus be disconnected from the pub so that access to the restaurant - now titled 'function room' is not possible. The kitchen placed at the end of this</p>

	<p>function room does not seem to have logical access to it. It would appear that the intention is to diminish the pub so that it ceases to be viable, in order that the whole property can be eventually converted to residential use by stealth.</p> <p>If the recent pandemic has shown us one thing, it is that our local communities are invaluable to our well being, and The Valiant Trooper is an important part of Aldbury's community.</p>
The Standings 6 Stocks Farm Barns Stocks Road Aldbury Tring Hertfordshire HP23 5RX	<p>I object to the proposed work to be carried out on the Valiant Trooper, Aldbury.</p> <p>Historic England says on its website "Applications for listed building consent for part or the whole of the same works as those covered by a planning application should be applied for and considered together" (//historicengland.org.uk/advice/hpg/consent/permissonandhas/). This application appears to have enough detail to form the basis of a planning application and planning considerations need to be addressed in conjunction. Previously the owner has obtained Listed Building Consent for external work to the building and subsequently started work without any further planning permission. If this application is granted, I expect the owner will commence any work they deem to be covered by permitted development. This application should be rejected as the relevant planning application has not been made.</p> <p>You will note that according to the "Planning (Listed Buildings and Conservation Areas) Act 1990" the restaurant is covered under the Listed Building as it "forms part of the land and has done so since before 1st July 1948". This application should be rejected as it completely changes the character of the restaurant area and separates it from the pub.</p> <p>The plans indicate the restaurant will become a "Function Room" without access to toilets. The owners have been in discussions with local residents and have said it will become a "Deli" or "Farm Shop". It is unclear what purpose the original restaurant kitchen will have. To me, it is clear that these proposals are a steppingstone to residential usage. This application should be rejected as the future usage of the building is unclear and the impact on the listed building can not be assessed without an associated Change of Usage application.</p> <p>According to the "Planning (Listed Buildings and Conservation Areas) Act 1990" the glazed link is covered under the Listed Building as it is an "object or structure fixed to the building". The glazed link has become an important feature of the listed building by incorporating the restaurant into the pub. Pubs can no longer survive on "Wet Sales" alone, they also require a good food offering. The demolition of the link would lead directly to the loss of the pub as there is no possibility of the pub being viable. This application should be rejected as the viability of the pub is the key to sustaining the significance of the listed building.</p> <p>I object to the proposed work to be carried out on the Valiant Trooper, Aldbury.</p> <p>This Listed Building Consent proposal is destroying the character and facilities of the pub/restaurant that the community values so much. This</p>

	<p>proposal is clearly designed to make the building unfit to fulfil its function as a public house and restaurant. From the plans submitted, I can only assume the applicant will, in the near future, submit a change of usage proposal to split the building into 2 separate residential dwellings.</p> <p>It is premature to consider this application for Listed Building Consent for these alterations before any change of use of the building has been applied for and been considered.</p> <p>The following issues demonstrate my concerns:</p> <ol style="list-style-type: none"> 1. The main pub toilets have been replaced by a kitchen that is not of an adequate size for a commercial kitchen. The Kitchen also does not have independent access, so supplies and kitchen waste will need to be carried through the customer areas. 2. The replacement toilets are not segregated by sex, which is expected in a pub. Also, the toilets are not of adequate size for the pub. 3. The removal of the glazed connection room between the pub and restaurant detracts from the combined use of the building as a pub and restaurant. Despite its relatively modern construction, it is an important part of the evolution of this listed building. Diners and drinkers sharing a social space benefits both groups by creating a convivial ambience and strengthening community cohesion through the interactions generated. 4. Blocking all the windows and doors of the restaurant that overlook the pub garden can only be to provide privacy for the future residential development. The restaurant windows and doors have used curtains in the past when privacy has been required for certain functions in the restaurant. 5. The additional window and door on the other side of the restaurant open onto the car park. Associated landscaping of the car park to accommodate the window and main access to the restaurant will limit parking. 6. It appears, although it is not clear, that the restaurant toilets are to be removed and there will be no internal access to the pub toilets. 7. The restaurant kitchen and kitchen prep area both appear to have double doors onto the garden. This is inappropriate for a commercial kitchen but makes perfect sense for a residential dwelling. 8. The names on the plans have been changed from "Bar" to "Servery" and from "Restaurant" to "Function Room". This clearly demonstrates the intention to change the usage of the building. <p>The Valiant Trooper is highly valued by the local community, and we have not given up on the prospect of it reopening as a public house. We believe it can be a profitable and vibrant business as it once was.</p>
27 Charles Street Berkhamsted Hertfordshire HP4 3DG	I object to this planning application. The Trooper should remain a public house. The proposed plan to split the pub into 2 buildings appears inconsistent with this. In order for the pub to be profitable it needs sufficient space for its customers. Even if there is a plan to create a farm shop and cafe there is no need to split the buildings in two unless there is another reason where they will be sold separately.
4 Jubilee Gardens	This pub won the CAMRA Pub of the Year in 2019, it is highly valuable

Tring Hertfordshire HP23 4JG	to the Aldbury community. If the current owner has said he won't reopen the pub, then I believe this application will fundamentally end up with a change of use. Please refuse all applications until a change of use has been agreed. This at least allows the community and relevant interest groups opportunity to put together a plan to save this local landmark.
15A Manor Road Tring Hertfordshire HP23 5DA	<p>This appears to be a very similar application to 22/01328/LBC and could be construed as smoke and mirrors, intended to confuse objectors and in turn, reduce the number of objectors.</p> <p>My previous objections remain pertinent to this, not so new application.</p> <p>I object to the application on the following grounds.</p> <p>As the Trooper is a grade II listed building, any alterations should be sympathetic to the building and its ancillary structures, both internally and externally, as well as to its continued use as a pub.</p> <p>Listed buildings are protected by law as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. The listing covers both the inside and outside the building, and any structure or building within its boundaries which was built before 1947. 'Listed Building Consent' is required from the Council for any works which affect special architectural or historic interest of the listed buildings.</p> <p>The Trooper is part of English Heritage and, as a pub, it is accessible to all. I have regularly taken groups of runners to the Trooper who visit the area from all over the UK. All are fascinated to hear about its history, as well as having the opportunity to eat and drink where the Duke of York may once have briefed his troops.</p> <p>Further, this application does not appear consistent with retaining a pub. Any application for alteration should only be considered on the guarantee that its existing use will be preserved.</p>

Agenda Item 5b

ITEM NUMBER: 5b

22/00776/FUL	Construction of a Barn, Polytunnel, Agricultural Track and Entrance Gates (Amended Scheme)
Site Address:	Plot 1 – Berry Farm, Cupid Green Lane, Hemel Hempstead.
Applicant/Agent:	Mr Ben Wiggins
Case Officer:	Robert Freeman
Parish/Ward:	Great Gaddesden Parish Watling
Referral to Committee:	The application is referred to the Development Management Committee given the contrary view of Great Gaddesden Parish Council.

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

2. SUMMARY

- 2.1 The provision of agricultural buildings within the Green Belt is acceptable in accordance with the NPPF and Policy CS5 of the Core Strategy and as set out in an extant planning permission for the site (20/03295/FUL) Although the proposed barn building is higher than shown on the approved plans, the increase in height to this building is not considered visually intrusive nor would it be particularly injurious to the visual amenities of the area. The proposals are still considered to be acceptable in terms of the scale, bulk and appearance in accordance with Policies CS11 and CS12 of the Core Strategy.
- 2.2 The proposed buildings would not have a significant adverse impact upon the appearance of the countryside or the Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS12 and CS24 of the Core Strategy. The proposals and in particular the new entrance gates would be acceptable with regards to highway safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

3. SITE DESCRIPTION

- 3.1 The application site comprises part of a wider area of agricultural fields located between the northern edge of Hemel Hempstead and Gaddesden Row and accessed via a track approximately 75m to the south west of the junction of Cupid Green Lane, Gaddesden Lane and Gaddesden Row. Bridleway 44 is located adjacent to the access track and along the north eastern boundary of the application site.
- 3.2 The site is subject to a number of small developments sustaining agricultural and horticultural land uses including parcels of land to the immediate north of the site and to the east of the property. A looped access track serves these plots and other areas of land. To the west of the property there is a further timber building and enclosure beyond which there are open fields. .

4. PROPOSAL

- 4.1 The application is an amendment to planning permission 20/03295/FUL for the construction of a barn, polytunnel, agricultural track and entrance gate at the site

- 4.2 Planning permission was initially granted for the construction of a barn measuring some 12m x 14m. This had a pitched roof with an eaves height of 3.5m and ridge height of 4.55m. The barn, as constructed, measures some 12.1m x 13.79m and whilst the eaves height has been retained at 3.5m the ridge height is some 5.3m in height. A large opening has also been formed in the south eastern elevation to provide access for farm vehicles. The barn is timber clad and will be finished in a dark stain/painted black.
- 4.4 A polytunnel some 7m x 10m is proposed to be located to the rear of the barn and would extend to a height of 3m as set out in the original planning submission. The agricultural yard contains an area of hard standing. The access gates to the property have been set back from the frontage of Cupid Green Lane.

5. PLANNING HISTORY

- 5.1 The site is subject to an Article 4 Direction removing the rights to form enclosures within the site without the specific grant of planning permission.
- 5.2 Planning permission was previously granted for the construction of a barn, polytunnel, access track and entrance gates at the committee meeting of the 27th May 2021 (20/03295/FUL).
- 5.3 A number of other applications are relevant to the consideration of this case as follows:
- Planning applications 4/00143/18/FUL, 4/00144/18/FUL and 4/00145/18/FUL granted planning permission for three polytunnels to the east of the application site.
 - Planning application 20/00213/FUL granted planning permission for the construction of two polytunnel's and an agricultural storage barn on land to the north east of the application site.
 - Planning permission for a polytunnel, an agricultural storage building, a livestock shed, a chicken coop and associated works (21/02331/FUL) on land to the north east of the site was refused planning permission and is subject to an appeal. The Council was not satisfied that the buildings were intended for agricultural use given the location of a carpentry workspace within the barn building and evidence of commercial carpentry being undertaken from the premises.
 - There is currently an undetermined case (20/04061/FUL) for the construction of polytunnels and an agricultural storage building further south on the site. This application needs to be formally disposed of in accordance with Article 40 (13) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
 - There is also an undetermined case (22/02365/FUL) for the construction of an agricultural barn, storage container and water storage tank at land to the south of the site.

- 5.4 The current application is a direct result of enforcement case (E/21/00435/NAP). Two complaints that development had been carried out not in accordance with the approved plans for 20/03295/FUL were received and investigated by the enforcement team.

6. REPRESENTATIONS

Consultation responses

- 6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 6.2 These are reproduced in full at Appendix B.

7. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 – Chilterns Area of Outstanding Natural Beauty
CS25 – Landscape Character
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Parking Standards (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

8. CONSIDERATIONS

Policy and Principle

- 8.1. The application site is located within the Green Belt. The Council will apply national planning policy in relation to the Green Belt in accordance with the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy. The NPPF makes it quite clear that the construction of new buildings within the Green Belt should be considered as inappropriate development. Exceptions to this include the provision of buildings for agriculture and forestry regardless of scale¹.
- 8.2. The proposals involve the construction of buildings for horticulture at the application site. The definition of agriculture at Section 336 of the Town and Country Planning Act 1990 extends to horticulture, fruit growing ad seed growing and must be considered to be appropriate under Policy CS5 of the Core Strategy.
- 8.3. The principle of providing the new buildings and access works has already been established via the extant planning permission for the site (20.03295/FUL). The main changes between the approved scheme and that currently under consideration relate to the

¹ As per the decision in *R (Lee Valley Regional Park Authority) v Epping Forest District Council and Valley Grown Nurseries Ltd [2016]*

overall scale and appearance of the barn building which is up to 0.8m higher than previously approved.

- 8.4 There is no overriding planning reason to withhold the grant of planning permission for agricultural buildings within the Green Belt and other areas of countryside.

Design and Visual Impact

- 8.5 Although the impact of development on the open character and appearance of the Green Belt should not be sufficient in its own right to justify the refusal of proposed agricultural buildings within the countryside we should still consider whether the scale and design of the development is still to be appropriate in the context of Policies CS11 and CS12 of the Core Strategy. The Council should also have regard to the impact of development on the Chilterns Area of Outstanding Natural Beauty (AONB) to the north of Cupid Green Lane in accordance with the Countryside and Rights of Way Act 2000 and Policy CS24 of the Core Strategy.
- 8.6 The barn occupies a ridge location and is viewed from some distance from parts of Cupid Green Lane to the north-west and south west of the site and from the AONB and rights of way network. Although historically these views would have been to open fields, the uses and buildings proposed are those which are compatible with countryside locations.
- 8.7 The proposed barn building and polytunnel are considered to be appropriate in terms of their design, bulk, scale and use of materials. These are functional buildings for the use of the site and are constructed from robust and high quality building materials. Although the barn has been increased in height to the previous approved scheme, this does not detract from the overall appearance of the proposals. The steeper roof pitch, gable roof form and timber cladding are appropriate in this location and reflect the traditional Chilterns vernacular.
- 8.8 The polytunnel is subservient to the barn building and reflect a number of similar structures in this locality. This much smaller building would be largely obscured by the barn building to the north and by landscaping and other polytunnels to the south of the site.

Impact on Highway Safety and Parking

- 8.9 The proposed development would utilise an existing access off Cupid Green Lane and a shared access track. A gate has been set back from the highway edge and would allow a vehicle to be clear of the highway prior to opening. The use of the access is not considered to be detrimental to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy. I am satisfied that the site provides an appropriate level of off-street parking in accordance with the Car Parking Standards SPD (2020) for the scale and nature of the proposed use.

Ecological Impact

- 8.10 There are no known ecological constraints to the use of the site for agricultural purposes. Such use should be compatible with the aims and objectives of Policy CS26 of the Core Strategy.

Representations

- 8.11 The Parish Council have expressed concerns with regards to both the retrospective nature of the application and the cumulative impact of this proposal and other developments on the wider site off Cupid Green Lane upon the character and appearance of the Chilterns

- AONB. They have requested that the works are carried out in accordance with the initial planning permission for this building.
- 8.12 As indicated above the key consideration is not whether the proposal should be constructed in accordance with the initial planning approval but whether the proposed building per se is harmful to the appearance of the Green Belt and AONB having regard to the extant permission at the site.
- 8.13 It has been established that the impact on the open character and appearance does not form a grounds for objection to the construction of agricultural buildings given their appropriateness in this location in accordance with the NPPF and Policy CS5 of the Core Strategy and as set out in case law. The increase in the height of the ridge of the proposed building by 0.8m and the altering of the roof pitch has a negligible impact on the AONB, given its distance from the AONB, the extant consent and in the context of neighbouring development.
- 8.14 Whilst we can appreciate the concerns with regards to a proliferation of agricultural buildings across the wider site off Cupid Green Lane, each case is acceptable on its own merits and having regard to national and local planning policies. The building is acceptable for the scale and nature of agricultural use at this site.

9 CONCLUSION

- 9.1 The proposed agricultural building would be an appropriate form of development in this countryside location as set out in the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy. The proposed building is considered to be appropriate in scale, siting and design and will not result in significant harm to the character and appearance of the area nor the natural beauty of the Chilterns Area of Outstanding Natural Beauty (AONB) in accordance with Policies CS5, CS12, CS24 and CS25 of the Core Strategy.

10 RECOMMENDATION

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

Condition(s) and Reason(s):

- Within 3 months of the date of this permission, the building hereby approved shall be painted or stained black in accordance with the submitted plans.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Core Strategy.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Great Gaddesden Parish Council	<p>Object</p> <p>This application seeks retrospective approval for a barn approved under 20/03295/FUL at 4.55m high which was then built 5.3m high.</p> <p>When 20/03295/FUL was first submitted the Parish Council objected</p>

	<p>primarily on the grounds that the application for a barn 14m x 12m square x 4.55m high to support a poly tunnel 10m x 7m was an over development for the size and location of the plot which would have a significant impact on the character and appearance of the countryside within the Green Belt in a location.</p> <p>The application was approved on the grounds that 'The development and its cumulative impact with previously approved development on the site, would not have an adverse impact on the countryside and would protect the special qualities of the adjacent Chilterns Area of Outstanding Natural Beauty'. It is not clear to the Parish Council how a development of this nature could in any way 'protect' the AONB.</p> <p>The previous approved developments referred to in the delegated report for 20/03295/FUL were for 2 x polytunnels (4/00143/18/FUL and 4/00144/18/FUL) and an agricultural building (/00145/18/FUL), all of which were 5m high, together with 20/00213/FUL which was for two 2.6m high polytunnels and a 3m high storage building. These together with other planning applications on the site agreed or under consideration are detailed on the attached site plan. In the opinion of the Parish Council the scale and scope of development on the site does not reflect the 'sensitive rural/Green Belt landscape' referred to in the Article 4 Direction 19/02895/ART.</p> <p>In December 2021 the Parish Council queried the scale of the development being undertaken under 20/03295/FUL and in January 2022 the Planning Enforcement team confirmed that whilst the footprint of the barn was in line with the agreed plans, at 5.3m high it was 17% higher than approved.</p> <p>Enforcement have explained to the Parish Council that 'the principle of a large building at the site has been accepted through the granting of planning permission under 20/03295/FUL and it has been agreed, in accordance with enforcement procedures, that an amended planning application can be invited'.</p> <p>The Parish Council remains strongly opposed to this development and continues to assert that it is clearly both impacting the countryside and is harmful to the special qualities of the adjacent Chilterns Area of Outstanding Natural Beauty.</p> <p>The development agreed under 20/03295/FUL is only 130m from the edge of the AONB and although at the original height of 4.55m it was lower and of less mass than the 5m high developments agreed under 4/00143-5/18/FUL (which have yet to be built), these are all further from the AONB and on a down slope which negates their impact on the AONB to some degree. The Parish Council believes that less</p>
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	<p>weight should be given to these precedents than was accorded them in the original decision.</p> <p>At the built height of 5.3m for which retrospective approval is requested under 22/00776/FUL it will be the tallest building on the site as well as being fully visible from the AONB by virtue of being located at the top of the slope.</p> <p>It has never been clear to the Parish Council why an estimated 210 cubic metre polytunnel required an estimated 764 cubic metre barn to support it as agreed under 20/03295/FUL, and no justification has been submitted either for why it is now necessary to increase the size of the barn to an estimated 890 cubic metres, or to explain why the original planning terms were ignored.</p> <p>22/00776/FUL represents a combination of precedent creep, which allows further development and apparently ever larger development because of previously successful applications, and a failure to adhere to agreed planning permission which is then submitted for retrospective approval when the implications of a refusal are more significant and which in turn then further feeds the precedent creep. On both counts the application gives significant cause for concern.</p> <p>The Parish Council strongly recommends that 22/00776/FUL be declined and the original terms of 20/03295/FUL be enforced</p>
Hertfordshire County Council Highways	<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>Comments</p> <p>No amended details appear to have been submitted in relation to the above planning application. HCC as Highway Authority would therefore not have any additional comments to those submitted as part of its response dated 06/05/2022.</p>
Conservation and Design	No comment.

APPENDIX B: NEIGHBOURS AND INTERESTED PARTIES

The application has been subject to a site notice and advertisement. No comments have been received.

Agenda Item 5c

ITEM NUMBER: 5c

21/03089/MFA	Construction of 46 dwellings (apartment building and two rows of terraced units), new access road, parking and amenity areas.	
Site Address:	St Margarets Way, Hemel Hempstead, Hertfordshire	
Applicant/Agent:	Dacorum Borough Council	Stephen Taylor Architects
Case Officer:	Martin Stickley	
Parish/Ward:	Hemel Hempstead (No Parish) Leverstock Green	
Referral to Committee:	Council Scheme (Major Development)	

1. RECOMMENDATION

1.1 That planning permission be DELEGATED with a view to APPROVAL subject to the conditions below and completion of a S.106 agreement or Unilateral Undertaking to secure a financial contribution in respect of ecological mitigation for the Chiltern Beechwood Special Area of Conservation (SAC), secure 100% affordable housing and off-site Bio-diversity Net Gain.

2. ADDENDUM TO PREVIOUSLY CONSIDERED COMMITTEE REPORT

2.2 This application was considered by the Development Control Committee (DMC) on 16th December 2021 and it was resolved to delegate the decision with a recommendation for approval subject to completion of a legal agreement to secure affordable housing and contributions to bio-diversity Net Gain.

2.3 A link to the original report, the addendum and the minutes are at Appendix C.

2.4 Since the recommendation was made and approved by the committee, the LPA are now obliged to take into account any new material considerations before issuing a final decision. This addendum therefore provides an update to Members outline any new material considerations.

Chiltern Beechwoods Special Area of Conservation

2.5 Since the DMC of 16th December 2021, Natural England wrote to the LPA on the 14th March following the publication of Footprint Ecology Report and as a result, 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 Chiltern 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.

2.6 As such, in light of the obligations set out in the Conservation of Habitats and Species Regulations 2017, the LPA consider that, as the scheme is for new dwellings and there is a possible likelihood that these dwellings could adversely affect the integrity of the SAC (Chilterns Beechwoods). As such, it is necessary to secure Mitigation to reduce the impact on the SAC (SAMM) and discourage visitors away from the SAC (SANG). Dacorum are currently producing a Mitigation Strategy which will set out specific tariffs towards SAMM and SANG, most likely on a per dwelling calculation to offset the negative impact of the development on the Integrity of the SAC. Once complete, the LPA will be in position to seek these financial contributions by means of a S106 in order to complete its obligations under the Habitat Regulations.

2.7 As such, this addendum seeks to alter the recommendation already approved by the Committee to delegate the grant of this application to officers subject to completion of a S106 to secure financial contributions towards Chilterns Beechwoods SAC by way of SAMM, SANG and

associated monitoring and administration costs together with 100% affordable housing and contributions towards Bio-diversity Net Gain.

Other Material Changes

2.8 A recent objection to the scheme was received on the 12.09.2022 from 76 Brickmakers Lane, Hemel Hempstead. In summary the objection relates to Energy Efficiency, height of building and Green Space. The full objection is cited at Appendix B to this report.

2.9 In response, the development will need to comply with the standards as required by Part L of the Building Regulations. This matter will be dealt with separately to the planning requirements. In terms of height of the proposal, this has been considered under the section '*Existing Character and Visual Impacts*' of the DMC report considered by members in December 2021 and no objection is raised to the proposed building heights. Finally, the loss of Green Space has been considered and whilst not ideal, on balance the planning benefit associated with the development of much needed affordable housing outweighs this harm. The development will offset the loss of bio-diversity through off site bio-diversity Net Gain as sought by the obligations in the S106 agreement.

2.10 Discussions are still on-going with Thames Water regarding flooding and no further conclusions have been provided by Thames Water on the flooding caused by the Pond last year. The application is still subject to conditions requiring full details of drainage and separate arrangements will need to be reached between the developer and Thames Water in respect of foul water connectivity.

Conditions and Informatives

2.11 No changes to the conditions are proposed.

3. RECOMMENDATION

That planning permission be DELEGATED with a view to APPROVAL subject to the conditions below and completion of a S.106 agreement or Unilateral Undertaking to secure a financial contribution in respect of ecological mitigation for the Chiltern Beechwood Special Area of Conservation (SAC), secure 100% affordable housing and off-site Bio-diversity Net Gain.

Condition(s) and Reason(s):

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

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

- 2. Prior to the first use of the air source heat pumps provided to residential units hereby permitted, an Air Source Heat Pump Noise Impact Assessment, compiled by appropriately experienced and competent persons, shall be submitted to the Local Planning Authority (LPA). The Air Source Heat Pump Noise Impact Assessment shall detail the noise levels associated with the use of the air source heat pumps, and include an analysis of whether any noise mitigation measures are required to control the noise (and if so full details of these mitigation measures), and a timescale for the implementation of these noise mitigation measures. Upon the LPA's approval of the Air Source Heat Pump Noise Impact Assessment, any required mitigation measures**

shall be implemented in accordance with the approved Air Source Heat Pump Noise Impact Assessment and retained thereafter.

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

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

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

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

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

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

(i) **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
(ii) **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2021).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2021).

5. **The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy prepared by McCloy Consulting Ltd reference M03001-02_DG02 dated July 2021 and the following mitigation measures detailed within the FRA:**

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 288 m³ (or such storage volume agreed with the LLFA) of total storage volume in detention basin, permeable paving and cellular storage.
3. Discharge of surface water from the private drain via deep bore soakaways.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 169 of the National Planning Policy Framework (2021).

6. **No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

1. Final detailed drainage strategy and detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
2. Provision of robust SuDS management and treatment including for the access road.
3. Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times no greater than 24 hours.

4. Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.

5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 169 of the National Planning Policy Framework (2021).

7. Upon completion of the drainage works for the site in accordance with the timing, phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of complete set of as built drawings for site drainage.

2. Maintenance and operational activities.

3. Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 169 of the National Planning Policy Framework (2021).

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

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

9. Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be prepared and submitted to the Local Planning Authority. The LEMP shall describe how it is planned to incorporate biodiversity as part of the development and achieve overall net gains for biodiversity. The LEMP should refer to the recommendations in Section 5 of the Preliminary Ecological Appraisal (Ecology by Design, July 2020) and enhancements identified in Section 6.2 of the Bat Survey Report (Ecology by Design, August 2020). The approved plan shall be implemented in accordance with the approved details.

Reason: To ensure that the development contributes to and enhances the natural environment in accordance with Policy CS26 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 (d) of the National Planning Policy Framework (2021). These details are required prior to commencement to ensure that an overall on-site net gain for biodiversity can be achieved before construction works begin. The LEMP should include details of when the biodiversity enhancements will be introduced and this may be reliant on the construction process/timings.

- 10.** Development shall be carried out in accordance with the recommendations in sections 9-11 of the approved Arboricultural Survey and Impact Assessment (reference: LAS_25, June 2021).

The trees shown for retention and protection on the approved Tree Protection Plan (see Appendix 6 of the Arboricultural Survey and Impact Assessment dated June 2021 by LandArb Solutions) shall be protected during the whole period of site demolition, excavation and construction in accordance with the details contained within the Tree Protection Plan, Arboricultural Survey and Arboricultural Impact Assessment. For the duration of the development, the tree protection measures shall be retained in place, shall not be moved and no materials, plant, soil or spoil shall be stored within the area so protected.

Reason: In order to ensure that damage does not occur to the trees 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).

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 110 and 112 of the National Planning Policy Framework (2021). The details are required prior to commencement to ensure that the construction of the development does not result in any risks to highway safety.

- 12.** No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan 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; and
- g. Timing of construction activities (including delivery times and removal of waste).

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 110 and 112 of the National Planning Policy Framework (2021). The details are required prior to commencement to ensure that the construction of the development does not result in any risks to highway safety.

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

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

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).

- 14. No development shall take place until details of fire hydrants or other measures to protect the development from fire have been submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details.**

Reason: To ensure that the layout of the residential development is provided with appropriate access and makes adequate provision for the fighting of fires in accordance with Policies CS9 and CS12 of the Dacorum Borough Core Strategy (2013) and in the interests of the safety of the occupants of the development in accordance with Paragraph 130 (f) of the National Planning Policy Framework (2021).

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

275_A_00_100
275_A_01_100
275_A_10_100 (Revision PL5)
275_A_10_101 (Revision PL5)
275_A_10_102 (Revision PL5)
275_A_10_103 (Revision PL5)
275_A_10_104 (Revision PL5)
275_A_10_105 (Revision PL5)
275_A_10_106 (Revision PL5)
275_A_10_107 (Revision PL5)
275_A_10_108 (Revision PL5)
275_A_10_109 (Revision PL5)
275_A_10_110 (Revision PL5)
275_A_10_111 (Revision PL5)
275_A_10_112 (Revision PL5)
275_A_10_113 (Revision PL5)
275_A_10_120 (Revision PL3)
275_A_10_121 (Revision PL4)
275_A_10_122 (Revision PL3)
275_A_10_123 (Revision PL3)
275_A_10_200 (Revision PL2)
275_A_10_201 (Revision PL2)
275_A_10_202 (Revision PL2)
275_A_10_300 (Revision PL4)
275_A_10_301 (Revision PL4)
275_A_10_302 (Revision PL4)
275_A_10_303 (Revision PL4)
275_A_10_304 (Revision PL4)
275_A_10_400
275_A_10_401

275_A_10_402
275_A_10_403
275_A_10_404
275_A_10_405
275_A_10_406

Drainage Strategy (July 2021) (M03001-02_DG02) by McCloy Consulting
Arboricultural Survey and Impact Assessment (June 2021) by LandArb Solutions
Preliminary Ecological Appraisal (July 2021) by Ecology by Design

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

Informatives:

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
No further responses received	

APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
76 Brickmakers Lane Hemel Hempstead	<p>1. Energy Efficiency and Environmental</p> <p>The Energy Strategy Report shows that, whilst MVHR, air-source heat-pumps and underfloor heating are proposed, gas boilers would still be fitted, for exceptionally cold periods. Considering our zero-carbon 2050 commitments, cost of energy crisis, cost of installing gas mains, and costs of annual gas servicing, any new developments must have sufficient insulation and heat-pump capacity to eliminate gas supplies.</p> <p>Ground-source heat pumps addition seemed to have been dismissed out-of-hand.</p> <p>2. Height</p> <p>Four storeys will be out of keeping with surrounding areas which are mostly two storeys, with some three storeys.</p> <p>3. Green Space</p> <p>One of the "garden city" principles on which Hemel is based, is communities separated by green fingers of space. The park area (grass and trees) between St Margarets and Kings Copse estate is 40m wide, and provides connectivity as "green corridor" for biodiversity, children and recreation. This proposal would completely fill that 40m width, so forming a solid urban zone. The allocation of nearby land for Hemel Garden Communities project, (proposing 11,000 homes) should provide new</p>

	housing of a better quality than filling every available space with masonry.
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APPENDIX C: FULL REPORT FOR 21/03089/MFA

The full report for 21/03089/MFA when it was provided for the DMC of 16.12.21 can be found at the following link, and then reading Item 5a in the Public Reports Pack (p.6 – 86):

<https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CId=159&MId=2850>

Agenda Item 5d

ITEM NUMBER: 5d

22/00408/FUL	Change of use from Class E to Hot food Takeaway (Sui- Generis)	
Site Address:	A Class Tailoring Ltd, 15 Marlowes, Hemel Hempstead, Hertfordshire, HP1 1LA	
Applicant/Agent:	Mr F Haque	Mr Douglas Stanley
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Hemel Hempstead (No Parish)	Hemel Hempstead Town
Referral to Committee:	Called in by Councillor Beauchamp	

1.0 Background

- 1.1 This item was considered at the Development Management Committee (DMC) meeting held on 26th May, 2022, and the original report can be found in full in Appendix C.
- 1.2 The application was deferred at DMC 26th May 2022 to allow the following:
- Consideration of whether the extractor flue can be erected without attaching to the roof of the flat above; and
 - Provision of details of bin storage and waste disposal.
- 1.3 The agent has responded with the following information:
- Revised plans showing the proposed extractor flue attached to the rear face of the building thus avoiding going over the pitched roof of flat 15A.
 - The storage of and collection of waste is overcome by positioning the wheelie bin internally with new doors opening onto the rear passage way. The bin can then be placed in the passage way on bin collection day.
 - The oil, fat and associated waste will be processed through a grease catcher as shown in the attached brochure. The residue is then collected in containers and then disposed of by a commercial company for reprocessing. This method of disposal is an existing process employed by a previous business in Hemel Hempstead the applicant was the owner of for over 12 years.
 - Waste water will be disposed of by means of the existing drains. The client notes the points made about the continual blockage of existing drains but argues that this should not reflect on his application as his disposal will be to current building regulation standards. Any existing problems should be addressed by the present businesses or authorities with the assistance of professional contractors.

2.0 Considerations

- 2.1 The amended flue location would have a positive impact on the host building and the character and appearance of the area compared to the previous proposals. This is because the amended proposals are not as high as that previously proposed.
- 2.2 The applicant has found an alternative position to attach the extractor flue which is located where the current air conditioning units are located. The flue end is located away from the roof dormer which serves a bedroom and away from the outdoor amenity area for the flat above.
- 2.3 It is noted that the neighbour at No.15a have raised concerns that the new location of the flue could give rise to noise and odour concerns. In response to this, it is firstly worth noting that

the flue will be located approximately 3.2 metres away from the bathroom window of the first floor flat. As a bathroom window this is not considered to be a 'lived in' room and therefore not a sensitive receptor. The Council's ECP team have assessed the details and specification of system provided and have concluded that they do, "*not have any concerns regarding the proposed extraction location/direction*". Furthermore, the neighbour will have mechanisms through Environmental Health legislation to make noise and odour complaints should they occur.

- 2.4 The applicant has found an alternative location for the bin and provided information on waste disposal. It is worth noting that the neighbour is content with the revised bin storage proposals. Officers are satisfied that this is an achievable solution, which will not affect the running of the business.
- 2.5 Overall, the proposal, with amendments as noted above, is considered to be acceptable in terms of its impact on the residential amenity of neighbouring properties. As such, the proposal accords with Policy CS12 and CS32 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2021).

Response to Neighbour Comments

- 2.6 Subsequent to the DMC of 26th May 2022, the residential unit above the site, 15A Marlowes, has provided further comments. They state they are pleased to see that the applicant's bins will now be stored within their property and not in the alleyway, that the extractor ducting will no longer run over the flat roof of the lounge and then extend up and over the principle roof of the property, and that that the late opening hours for this business have remain amended from that previously quoted.
- 2.7 However, No.15a have maintained two objections:
 - The positioning of the extractor ducting and vent very close to the bathroom window, which is the main source of rear ventilation into the property and could lead to unpleasant odours and potential smoke from cooking hot food, together with possible noise an extractor system.
 - Fire risk to flat above due to wooden flooring and there only being a single point of exit at the rear of No. 15.
- 2.8 The first point has been addressed above. The second point are more civil matters or related to Building Regulations.

Conditions

- 2.9 Based on the amended plans it is recommended that condition 7 be removed (as the wheelie bin is now to be located inside the building) and condition 8 be amended to reflect the updated plans.
 7. **Notwithstanding the details shown on the approved plans the location of the wheelie bin to the rear of the approved use does not form part of this proposal. The bin is not located within the red line and is on land belonging to the owner of the flat above 15A Marlowes.**
- Reason: For the avoidance of doubt and in the interests of proper planning.
8. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

Site Location Plan DRG No 24/21 SHT 1

**Amended Existing/Proposed Ground Floor 24/21/SHT2 REV C
Amended Existing/Proposed Elevations 24/21/SHT3 REV D
Existing/Proposed Elevations 24/21/SHT 4 REV E
Proposed Ground Floor Plan with ducting superimposed 24/21 SHT 5**

Specifications:

**Activated Carbon Filters - Absolair
Cleanpak CP4 Bag Filter - Jasun Envirocare PLC
Woods Fan Catalogue - JM Aerofoil**

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

3.0 CONCLUSION

- 3.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed development would not involve significant alterations to the external appearance of the existing building, with the only addition being the installation of an extractor flue. Given its scale, siting and sympathetic matt black external finish, it is not considered that the proposal would detract from the character and appearance of the existing building or street scene.
- 3.2 Whilst the application plans indicate new signage, the proposed plans are indicative only, given that formal advertisement consent is required for these works. The proposed development is not considered to have any adverse impacts on the residential amenity of neighbouring properties, subject to the inclusion of a condition on the formal planning permission requiring submission and approval of a scheme for the storage and collection of waste prior to commencement of the proposed use.
- 3.3 Whilst generating increased trips, it is not considered that the proposal would have any adverse impacts on the safety and operation of the surrounding highway network.
- 3.4 Given everything considered above, the proposal accords with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

4.0 RECOMMENDATION

That planning permission be granted, subject to the conditions outlined in the original report (DMC 26th May, 2022) with amendments as outlined in paragraph 2.5.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	6.9.22 Following conversation regarding the above please be aware that Environmental Health would not have any concerns regarding the proposed extraction location/direction.

	<p>The distance from nearby receptors, with filters and mitigation outlined is not of concern and the outlet position, direction and location appears to be the most sensible given 'lived in room' receptors surrounding the business (living rooms, bedrooms etc).</p> <p>I am aware that concerns have been made by an objector around potential fumes encroaching on their bathroom and so forth but these are not shared by my team when assessing proactively, based on the details and specification of system provided.</p> <p>If residents are impacted, they have the right to make an odour complaint with our team, however the nature of the business is relatively low risk in terms of odour nuisance, when compared to other food premises (Turkish, Lebanese, Indian cuisine etc) who may cook over wood or coals compared to grill/gas.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
15A Marlowes Hemel Hempstead Hertfordshire HP1 1LA	<p>28.7.22</p> <p>I own the flat at 15a Marlowe's and I am very concerned about the application at 15 Marlowes and have the following concerns; I access my property at the rear of 15 Marlowe's, which is located above no.15. There is only space for my bin outside of my front door. However, I am pleased to see that on the most recent plans that the applicant's bins will now be stored within their property and not in the alley way, as this is the only point of access into my home and is not suitable for storing waste bins outside of my front door.</p> <p>The most recent plans indicate that the extractor ducting will no longer run over my flat roof of my lounge and then extend up and over the principle roof of the property, which is good news. However, the latest plans show the extractor ducting and vent is now positioned very close to my bathroom window, which is the main source of rear ventilation into my property and could lead to unpleasant odours and potential smoke from cooking hot food, together with possible noise an extractor system. I find this very concerning and would like to understand how the applicant would counter these issues.</p> <p>I am also very concerned that this application could result in a fire risk to my home, due to the wooden floor boards that exist between the applicant's business and my property, should a hot food establishment be permitted.</p> <p>Also I only have a single point of exit at the rear of no. 15. How would the applicant plan to mitigate this potential fire risk to my safety?</p> <p>Finally, I am pleased to hear that the late opening hours for this business have remain amended from that previously quoted, as I was very worried about the potential disturbance from noise due to people</p>

	visiting the establishment late at night.
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APPENDIX C: Development Management Committee report for 26th May, 2022

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

- 2.1 It is recommended that the application be **GRANTED**
- 2.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed development would not involve significant alterations to the external appearance of the existing building, with the only addition being the installation of an extractor flue. Given its modest scale, and siting to the rear of the row of buildings and its sympathetic matt black external finish, it is not considered that the proposal would detract from the character and appearance of the existing building or streetscene.
- 2.3 Whilst the application plans indicate new signage, the proposed plans are indicative only, given that formal advertisement consent would be required for the proposed works.
- 2.4 Despite concerns being raised regarding noise from machinery, disturbance caused by late night use, waste and odours the proposed development is not considered to have any adverse impacts on the residential amenity of neighbouring properties, subject to the inclusion of a condition limiting operating hours and a pre-commencement condition on the formal planning permission requiring a scheme for the storage and collection of waste generated by the development to be submitted to and approved in writing by the Local Planning Authority. The extraction system and flue are industry standard and will be appropriately muffled and prevent any unreasonable odours or smoke from being created.
- 2.5 Whilst generating increased trips, it is not considered that the proposal would have any adverse impacts on the safety and operation of the surrounding highway network.
- 2.6 Given everything considered above, the proposal accords with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

3. SITE DESCRIPTION

- 3.1 The site lies on the eastern side of The Marlowes opposite West Herts College (Dacorum Campus). The site comprises a two and a half storey mid-terrace building with a shop use at ground floor (previously "A Class Tailoring") with a residential unit above.
- 3.2 The site is part of a row of similar uses with Class E and Sui Generis uses at ground floor with residential use above.

3.3 Many of the residential units have amenity space to the rear of the building on an elevated platform at first floor level. The site backs onto “Iveagh” a flat development with a car park area between the two developments.

3.4 The site is located within the town centre of Hemel Hempstead.

4. PROPOSAL

4.1 Planning permission is sought for the change of use of the existing building at ground floor level from Class E (shop use) to a Hot Food takeaway (sui generis use). In order to facilitate this change of use, the application also proposes the installation of an extractor flue pipe.

Background

4.2 A previous application for a change of use from Class E to Hot Food Takeaway (Sui Generis) 21/04451/FUL was submitted on 3rd December 2021 and withdrawn due to insufficient information being received in relation to noise / odour control and on the proposed opening hours.

4.3 The following information has now been submitted:

- Activated Carbon Filters – Absolair – for odour and smoke particulate abatement.
- Cleanpak CP4 Bag Filter - Jasun Envirocare PLC – for fumes.
- Woods Fan Catalogue - JM Aerofoil – information on internal extractor unit.
- Proposed opening hours.

4.4 The Environmental Health Officer is now satisfied that sufficient information has been provided.

Member Call In

Reason for Call in provided by Councillor Beauchamp

“The resident lives at 15a Marlowes, which is located directly above the proposed change of use location. He is very concerned that the planned extractor flu would run over his roof and could therefore damage the integrity of this structure. The resident is also very concerned with regard to the fire risk to his property, from having a hot food takeaway business situated directly below his home, together with the noise from the proposed late night opening hours that would continue up to 1.00 am. There are also concerns as to where food and general waste would be stored for the new business, as the plans indicate that this would be placed directly in front of his front door, which is the only point of access and exit from his property.”

These issues have been addressed in the Impact on Residential Amenity and Response to Neighbour Comments sections.

5. PLANNING HISTORY

Planning Applications

21/04451/FUL - Change of use from Class E to Hot food Takeaway SUI Generis.
Withdrawn - 25th January 2022

4/01172/90/FUL - Second floor rear extension
Refused - 11th October 1990

4/01701/89/FUL - New shopfront
Granted - 15th December 1989

6. CONSTRAINTS

Smoke Control Order
Parking Standards: New Zone 1
EA Source Protection Zone: 1
EA Source Protection Zone: 3
EA Source Protection Zone: 2

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)

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
CS32 – Air, Soil and Water Quality

Supplementary Planning Guidance/Documents:
Accessibility Zones for the Application of Car Parking Standards (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

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

Principle of Development

- 9.2 The site falls within the Town Centre of Hemel Hempstead, wherein Policies CS1 and CS4 of the Core Strategy (2013) are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) states that Hemel Hempstead will be the main centre for development and change. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) encourages a mix of uses in town centres with catering establishments amongst others being encouraged, provided it is compatible with its surroundings.
- 9.3 The proposed development is considered to be acceptable in principle, according with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).

Quality of Design / Impact on Visual Amenity

- 9.4 Para 130 of the NPPF (2021) states that planning decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character. Furthermore, Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.
- 9.5 The application proposes the change of use of the ground floor of the existing building from Class E (shop use) to a Hot Food takeaway (*sui generis* use). The only external alterations proposed to the existing building relate to the installation of a new extractor flue pipe and the insertion of new signage.

New Extractor Flue Pipe

- 9.6 The proposed extractor flue pipe is of a reasonable scale and has been sympathetically positioned to the rear of the existing building to ensure that it does not appear a visually prominent addition to the building and wider street scene. There are other extractor flue pipes along this rear view of the row of buildings of similar scale and height. Many are silver in colour and do not blend in with the buildings they are attached to. It is considered that a black matt finish to the proposed Flue Pipe will allow it to blend in more with the surrounding materials and make it less visually prominent along the rear view of this row of buildings.
- 9.7 The flue is to be attached to the roof of the flat above the site and concern has been raised regarding structural damage to this roof. This concern has been addressed in the section covering response to neighbour comments.
- 9.8 It is considered that this addition would be acceptable in design/visual amenity terms and in terms of its impact on the character and appearance of the existing building and the street scene. The proposal therefore accords with Policies CS11 and CS12 of the Core Strategy (2013), and the NPPF (2021).

Impact on Residential Amenity

- 9.9 The NPPF (2021) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.
- 9.10 Given the nature of the development and scale/positioning of the new extractor flue, it is not considered that the resultant building would appear visually intrusive or result in a significant loss of light or privacy to neighbouring properties.

- 9.11 The site is however, surrounded by built form, including residential dwellings above the commercial uses along this side of Marlowes. Taking this into account, and given the nature of the development, concerns were, however, raised that the proposal could cause significant disturbance to neighbouring properties, by way of generating harmful levels of noise both from the extractor and ventilation units, waste and offensive odours.
- Noise disturbance was also raised as a concern particularly at night from people coming and going by car or on foot. This has been covered in the section on Operating Hours.
- 9.12 The Environmental Health Officer has advised that the entire system and plant is being installed onto anti-vibration mountings, the noise most commonly associated with extraction units is a low end 'rumble' which is caused by the motor and initial ducting work vibrating against the fixture points, for example a wall or ceiling, which then amplifies the sound, the use of the anti-vibration mounting system as set out in the extraction system drawings will isolate this issue and therefore mitigate this phenomenon. There is no evidence that the noise from this use would be any more intrusive than the existing levels caused by the similar food premises in the immediate vicinity – therefore no noise conditions are suggested.
- 9.13 The Environmental Health Officer has raised no objection to the proposed extraction system and flue. The equipment is industry standard.
- 9.14 The Environmental Health Team have however confirmed that additional details are required, detailing the storage and collection of waste likely to be generated by the development.
- 9.15 The Environmental Health Team have confirmed that the current application can be determined, subject to three conditions being attached to the formal planning permission, one of which requires the Applicant to submit a scheme for the storage and collection of waste to the Local Planning Authority for approval prior to the commencement of the development.
- 9.16 The conditions set out by the Environmental Health Team are considered to meet the relevant tests, in particular, being both reasonable and necessary to ensure that the proposal would not cause significant disturbance to surrounding properties. The Applicant has agreed to the above pre-commencement condition being attached to the formal planning permission.
- 9.17 Given the above assessment, the proposal is considered to be acceptable in terms of its impact on the residential amenity of neighbouring properties. As such, the proposal accords with Policy CS12 and CS32 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2021).

Impact on Highway Safety and Parking

- 9.18 The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), the Parking Standards Supplementary Planning Document (2020) and Saved Policy 58 of the Local Plan (2004) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.
- 9.19 With regards to parking, the application site would not provide any off-street car parking provision for users of the Hot Food Take Away shop. Given that the Parking Standards Supplementary Planning Document (2020) states that buildings of *sui generis* (formerly A5 uses) should if located in Accessibility Zone 1 be assessed on an individual case basis the following analysis is made.

- 9.20 The proposal would not involve any changes to the existing site access or adjacent public highway. Whilst the proposal would intensify the use of the site, based on its town centre location with regular bus routes along the Marlowes and the fact that many people would arrive on foot due to the college across the road and many businesses being located nearby the proposal would be unlikely to have a significant impact on the safety and operation of the surrounding highway network.
- 9.21 The proposal is therefore acceptable on parking/highway safety grounds, in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), the Parking Standards Supplementary Planning Document (2020), Saved Policy 58 of the Local Plan (2004) and the NPPF (2021).

Other Material Planning Considerations

Waste Management

- 9.22 This matter has been raised as a concern by a local resident so has been addressed in the section relating to impact on amenity.

Operating Hours

- 9.23 The applicant has proposed that the Hot Food Take Away be open the following hours:
 Monday to Friday 11am till midnight
 Saturday 11am till Sunday 1am
 Sunday and Bank Holidays 11am till 1am next day
- 9.24 Similar Hot Food Take Aways granted planning permission along this row of shops have their operating hours conditioned to be:
- “The premises shall not be open for customers before 8 am or after 11.30 pm on Mondays to Saturdays or before 11 am or after 11 pm on Sundays, Bank Holidays and Public Holidays.”
- 9.25 Based on the units above the hot food takeaways being for residential accommodation it is considered necessary to limit opening hours in line with others nearby, to ensure that there is no loss of amenity for those residents.

Response to Neighbour Comments

- 9.26 The following objections were received from the owner of the residential unit above the site 15A Marlowes:
- Possible that the commercial waste bins will block their entrance to their front door;
 - Noise due to the late opening hours of the proposed use;
 - Smells entering their living accommodation;
 - Drains to the rear of the buildings regularly fill up with food waste (from the existing take away businesses along this stretch of the Marlowe's), resulting in flooding to the alleyway affecting the access to their flat;
 - Damage and potential leaks to 15A Marlowes as the extractor ducting will run over the flat roof of the lounge and then extend up and over the principle roof of the property;
 - Fire risk to flat above due to wooden flooring and there only being a single point of exit at the rear of No. 15; and
 - Construction work could adversely impact upon the integrity of 15A Marlowes.

- 9.27 These points have been addressed above other than the last three points which are more civil matters or related to Building Regulations.

Community Infrastructure Levy (CIL)

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

10. CONCLUSION

- 10.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed development would not involve significant alterations to the external appearance of the existing building, with the only addition being the installation of an extractor flue. Given its scale, siting and sympathetic matt black external finish, it is not considered that the proposal would detract from the character and appearance of the existing building or street scene.
- 10.2 Whilst the application plans indicate new signage, the proposed plans are indicative only, given that formal advertisement consent is required for these works. The proposed development is not considered to have any adverse impacts on the residential amenity of neighbouring properties, subject to the inclusion of a condition on the formal planning permission requiring submission and approval of a scheme for the storage and collection of waste prior to commencement of the proposed use.
- 10.3 Whilst generating increased trips, it is not considered that the proposal would have any adverse impacts on the safety and operation of the surrounding highway network.
- 10.4 Given everything considered above, the proposal accords with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

11. RECOMMENDATION

- 11.1 That planning permission be granted.

Condition(s) and Reason(s):

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

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

2. **The duct "extractor flue" shown on the approved plans will be finished with a matt black appearance.**

Reason: To make sure that the appearance of the development is suitable and that it does not detract from the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

3. The premises shall not be open for customers outside the following hours:

8 am to 11.30 pm on Mondays to Saturdays; and
11 am to 11 pm on Sundays, Bank Holidays and Public Holidays.

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

4. Prior to the commencement of the use hereby approved a scheme for the storage and collection of waste (including a suitable location for the wheelie bin located to the rear of the approved use) shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained at all times thereafter.

Reason: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

5. Waste water generated by the premises shall always be disposed of into appropriate drainage and sewage systems on the premises.

Reason: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

6. Oil, fat and associated waste products are to be disposed of using appropriate licensed methods, records of these waste contracts and transfers are to be kept and made available to the Council upon request. Under no circumstance are said materials to be disposed of into local street/highway drainage.

Reason: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

7. Notwithstanding the details shown on the approved plans the location of the wheelie bin to the rear of the approved use does not form part of this proposal. The bin is not located within the red line and is on land belonging to the owner of the flat above 15A Marlowes.

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

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

**Site Location Plan DRG No 24/21 SHT 1
Amended Existing/Proposed Ground Floor 24/21/SHT2 REV A
Amended Existing/Proposed Elevations 24/21/SHT3 REV A
Amended Proposed Ground Floor Plan NVGE/HH01 REV A
Existing/Proposed Elevations 24/21/SHT 4**

Specifications:

Activated Carbon Filters - Absolair
Cleanpak CP4 Bag Filter - Jasun Envirocare PLC
Woods Fan Catalogue - JM Aerofoil

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

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. The applicant is reminded that the premises must be registered with Environmental Health at least 28 days before opening. It is a legal offence to operate as a food premises without this registration. Further information regarding food safety and hygiene can be obtained by contacting ecp@dacorum.gov.uk or by telephone on 01442 228000.

www.hse.gov.uk/business/must-do.htm contains information on starting a new business and the requirements under certain Health & Safety regulations
3. The public litter bin may not be used to dispose of waste generated by customers during their use of the external area and should not be included in the above referenced scheme.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	<p>11.5.22 The applicants have now provided specifications pertaining to the filtration systems in place and the extraction system to be installed.</p> <p>The use of CP4 Filter bags (used in industries such as vehicle spraying etc. to mitigate fumes) and Carbon filters (used to absorb pollutants and odours from the air) in addition to a conical diffuser at the top of the chimney stack will prevent any unreasonable odours or smoke from being created.</p> <p>The specification outlined in the application is industry standard for a business of this type operating in a town centre environment. As such should have no more an impact on nearby residential properties in terms of noise, odour or smoke than any of the similar businesses in the immediate vicinity based on the detail now provided.</p> <p>28.3.22 There was nothing in the application to suggest that noise would be any more intrusive than the existing levels caused by the similar food premises in the immediate vicinity, therefore no noise conditions were suggested.</p> <p>There is an objection to the above scheme which raises a lot of queries</p>

	<p>- I wondered if you may be able to respond to his concerns below:</p> <p><i>"I own the flat at 15a Marlowe's and I am very concerned about the application 22/00408/FUL and have the following concerns;</i></p> <p><i>I access my property at the rear of 15 Marlowe's, which is located above no.15. Therefore where will the applicant's commercial bins be located, as the narrow alleyway is the only point of access into my home and not suitable for storing waste bins outside of my front door, which would therefore block the entrance to my home.</i></p> <p>Conditions requested as part of Pollution Team Feedback:</p> <p>1 - Prior to the commencement of the use(s) hereby approved a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained at all times thereafter.</p> <p><i>The plans indicate that the extractor ducting will run over my flat roof of my lounge and then extend up and over the principle roof of the property, which could result in damage and subsequent leaks to this roof affecting my home immediately below.</i></p> <p>Building Regs?</p> <p><i>I am also concerned about the smells coming into my living accommodation. Due to the number of takeaway businesses along this stretch of the Marlowe's the drains regularly fill with food waste, resulting in flooding to the alleyway affecting the access to my flat, how does the applicant plan to ensure that their waste does not increase this problem?</i></p> <p>Conditions requested as part of Pollution Team Feedback:</p> <p>2 - Waste water generated by the premises shall always be disposed of into appropriate drainage and sewage systems on the premises.</p> <p>3 - Oil, fat and associated waste products are to be disposed of using appropriate licensed methods, records of these waste contracts and transfers are to be kept and made available to the Council upon request. Under no circumstance are said materials to be disposed of into local street/highway drainage</p> <p><i>My home has not previously had a takeaway food establishment beneath it, I am therefore very concerned that this application could result in a fire risk to my home, due to the wooden flooring that exist between the applicant's business and my property. Also I only have a single point of exit at the rear of no. 15. How would the applicant plan to mitigate this potential fire risk to my safety?</i></p> <p>Refer to Fire Service?</p>
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	<p><i>Finally I believe the construction work involved converting this change of use into a takeaway business could adversely impact the integrity of my home, how will the applicant ensure this does not happen?</i></p> <p>Building Regs?</p> <p><i>Finally, due to the late opening hours for this business up to 1.0 am, I am very worried about the potential disturbance from noise due to people visiting the establishment late at night."</i></p> <p>Relatively standard opening hours for a town centre takeaway, Planning may wish to restrict these in line with similar local businesses if they generally close earlier?</p>
Environmental And Community Protection (DBC)	<p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>24.3.22</p> <p>Further to consultation on the above application, based on existing issues and complaints around drainage and sewage being emitted from/by/to the existing businesses in the vicinity, please find the below conditions to be considered:</p> <p>1 - Prior to the commencement of the use(s) hereby approved a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained at all times thereafter.</p> <p>Informative: the public litter bin may not be used to dispose of waste generated by customers during their use of the external area and should not be included in the above referenced scheme</p> <p>2 - Waste water generated by the premises shall always be disposed of into appropriate drainage and sewage systems on the premises.</p> <p>3 - Oil, fat and associated waste products are to be disposed of using appropriate licensed methods, records of these waste contracts and transfers are to be kept and made available to the Council upon request. Under no circumstance are said materials to be disposed of into local street/highway drainage.</p> <p>REASON: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).</p>

	<p>Food business Informative.</p> <p>Should consent be given the applicant is reminded that the premises must be registered with Environmental Health at least 28 days before opening. It is a legal offence to operate as a food premises without this registration. Further information regarding food safety and hygiene can be obtained by contacting ecp@dacorum.gov.uk or by telephone on 01442 228000.</p> <p>www.hse.gov.uk/business/must-do.htm contains information on starting a new business and the requirements under certain Health & Safety regulations</p>
Environmental And Community Protection (DBC)	Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	1	0	1	0

Neighbour Responses

Address	Comments
15A Marlowes Hemel Hempstead Hertfordshire HP1 1LA	<p>I own the flat at 15a Marlowes and I am very concerned about the application 22/00408/FUL and have the following concerns; I access my property at the rear of 15 Marlowe's, which is located above no.15. Therefore where will the applicant's commercial bins be located, as the narrow alleyway is the only point of access into my home and not suitable for storing waste bins outside of my front door, which would therefore block the entrance to my home.</p> <p>The plans indicate that the extractor ducting will run over my flat roof of my lounge and then extend up and over the principle roof of the property, which could result in damage and subsequent leaks to this roof affecting my home immediately below.</p> <p>I am also concerned about the smells coming into my living accommodation. Due to the number of takeaway businesses along this stretch of the Marlowe's the drains regularly fill with food waste, resulting in flooding to the alleyway affecting the access to my flat, how does the applicant plan to ensure that their waste does not increase this problem?</p>

	<p>My home has not previously had a takeaway food establishment beneath it, I am therefore very concerned that this application could result in a fire risk to my home, due to the wooden flooring that exist between the applicant's business and my property. Also I only have a single point of exit at the rear of no. 15. How would the applicant plan to mitigate this potential fire risk to my safety? Finally I believe the construction work involved converting this change of use into a takeaway business could adversely impact the integrity of my home, how will the applicant ensure this does not happen?</p> <p>Finally, due to the late opening hours for this business up to 1.0 am, I am very worried about the potential disturbance from noise due to people visiting the establishment late at night.</p>
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Agenda Item 5e

ITEM NUMBER: 5e

22/01801/FHA	Loft conversion with rear dormer	
Site Address:	12 Farm Place, Berkhamsted, Hertfordshire, HP4 3AU	
Applicant/Agent:	Mr & Mrs D Smith	Mr STUART COOK
Case Officer:	Jane Miller	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	Contrary view of Berkhamsted Town Council	

1. RECOMMENDATION

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

2. SUMMARY

2.1 The application site is located within residential area of Berkhamsted 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 principle of development of a rear dormer of identical size has already been established through the granting Lawful Development Certificate reference 20/04009/LDP (loft conversion including rear facing dormer).

2.3 The main structure of the rear dormer has already been built in accordance with Class B of Part 1 of the Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015. In order to comply with Class B matching external roof materials would be required which in this case would be tiles.

2.4 Essentially therefore this application has been submitted in order to seek planning permission to use Grey Anthracite Hardie Cladding as an external material to the dormer in place of matching roof tiles. This material has been used extensively throughout the development known as Farm Place and is therefore considered acceptable.

2.5 The proposed materials are considered 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 cladding would not have any significant adverse impacts on the residential amenity of neighbouring properties.

2.6 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.

2.7 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 on the south east side of Farm Place within a residential area of Berkhamsted. The site comprises a modern two storey end of terrace dwelling.

3.2 The immediate character area comprises similarly designed dwelling houses of relatively identical build, age, height and size; the overall character of the area is evident.

4. PROPOSAL

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

4.2 The property has permitted development rights in place including for Class B of Part 1 of the Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015.

4.3 A Lawful Development Certificate for a rear dormer under reference 20/04009/LDP was issued for this application site (12 Farm Place). The size and positioning of the rear dormer remains unchanged on this current application. The structure of the rear dormer has already been constructed.

4.4 This application essentially seeks to change the materials only.

5. PLANNING HISTORY

Planning Applications:

4/02208/11/MFA (TWENTY-SIX RESIDENTIAL UNITS ON TWO STOREYS INCLUDING 12 X 1-BEDROOM FLATS, 8 X 2-BEDROOM FLATS AND 6 X 3-BEDROOM HOUSES. (AMENDMENT RECEIVED 27/4/12 COMPRISING FULL GLAZING TO STAIRWELLS, ADDITION OF CHIMNEYS TO HIGH STREET FRONTRAGE, RELOCATE HIGH ST FRONTRAGE 1M FURTHER FORWARD, REDUCED DEPTH FRONT COURTYARDS, REDUCED HEIGHT WALLS TO FRONTRAGE, INCREASED LANDSCAPING TO FRONTRAGE AND INCREASED PRIVATE COURTYARDS TO REAR.)

GRA – 14.06.2012

20/04009/LDP - Loft conversion, including a rear facing dormer.
GRA - 19th February 2021

21/03930/FHA - Loft conversion with three front rooflights.
WDN - 8th December 2021

21/04614/LDP - Insertion of three roof lights to front elevation
GRA - 21st December 2021

6. CONSTRAINTS

BCA Townscape Group
CIL Zone: CIL1
Parish: Berkhamsted CP
RAF Halton and Chenies Zone: Yellow (45.7m)
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)
Residential Character Area: BCA16
Parking Standards: New Zone 3
EA Source Protection Zone: 3
Town: Berkhamsted

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (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
CS8 - Sustainable Transport
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:

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

9. CONSIDERATIONS

Principle of Development

9.1 The application site is located within a residential area of Berkhamsted, 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's character and appearance upon the existing dwelling house, immediate street scene and residential amenity of neighbouring properties.

Quality of Design / Impact on Visual Amenity

9.2 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.

9.3 It is acknowledged that the size of the dormer is not in accordance with Saved Policy Appendix 7 (Small-scale house extensions) including that the dormer margins are not set in a minimum of 1m from the flank walls. However it is a material consideration that a rear dormer of identical size has already been granted a Lawful Development Certificate reference 20/04009/LDP (loft conversion including rear facing dormer).

9.4 The size and positioning of the rear dormer remains unchanged on this current application. The main structure of the rear dormer has already been built in accordance with Class B of Part 1 of the Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015.)

9.5 Essentially therefore the only reason for the submission of this current full householder application (FHA) is that the applicant now seeks permission to clad the outside of the dormer using Grey Anthracite Hardie Cladding.

9.6 Whilst this cladding does not match the materials currently used on the original existing roof (as is required by condition attached to the Lawful Development Certificate in order to comply with the GDPO), such cladding material has been extensively used throughout the development known as Farm Place, and is considered acceptable in this location.

9.7 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 amenity. This accords with the local and national policies mentioned above.

Impact on Residential Amenity

9.8 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.

9.9 It is noted that Berkhamsted Town Council have objected to the application with concern that the neighbour in Dorset Close will be overlooked and suffer loss of amenity.

9.10 As detailed above, importantly it has already been established that a rear dormer of identical size and windows/openings can and has been constructed without the requirement of formal planning permission in accordance with the General Permitted Development Order as confirmed by the issuing of Lawful Development Certificate 20/04009/LDP.

9.11 The approved dormer is currently under construction. This application is submitted solely in respect of seeking to use Grey Anthracite Hardie Cladding as an external materials to the dormer. The alternative external materials now proposed will not result in an adverse impact on the residential amenity of neighbouring properties.

Other Considerations

Parking and access

9.12 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.

9.13 The loft conversion will result in an additional bedroom, however, as established, such works can be carried out without the need for formal planning permission or to provide additional off street parking provision. No changes have been proposed to the existing site access or parking provision, which are unallocated spaces within the development site.

9.14 Overall, based on the fact this application relates solely to the change in external materials the proposal would have no impact on highway safety.

Tree and Hedges

9.15 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.

Response to Neighbour Comments

9.16 No neighbour comments have been received.

Response to Town Council

9.17 Objections have been received with regard to insufficient plans, the width of the dormer and a loss of privacy/ overlooking – see comments in full at bottom of report)

9.18 These objections have been addressed above other than the insufficient plans concern. The plans have been checked and the north point is shown on drawing no. 5114-OS1 (location plan).

CIL Liable

9.18 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. The development is not CIL liable as it falls below 100sqm.

Chiltern Beechwood Special Area of Conservation (SAC)

9.19 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.

9.20 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** subject to conditions.

Condition(s) and Reason(s):

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

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

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

**Site location plan
5114-P200 plans and elevations as proposed.**

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

Informatics:

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
Berkhamsted Town Council	<p>Initial comments (11.07.22)</p> <p>The drawings fail to show orientation of the property.</p> <p>Objection ' The proposed flat roofed dormer is shown full width of the roof, contrary to policy SLP App 7.</p> <p>Additional comments (03.08.22)</p> <p>Objection</p> <p>Although the rear dormer is being built, the Committee are concerned that the neighbour in Dorset Close will be overlooked and suffer loss of amenity.</p>

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 5f

ITEM NUMBER: 5f

22/01921/FHA	Ground floor and garage extensions. External alterations.	
Site Address:	22 Apollo Way, Hemel Hempstead, Hertfordshire, HP2 5QG	
Applicant/Agent:	Adam Rowles	
Case Officer:	Imogen Botterill-Downs	
Parish/Ward:		Highfield
Referral to Committee:	Called in by Ward Councillor	

1. RECOMMENDATION

That planning permission be GRANTED

2. SUMMARY

2.1 The application site is located within residential area of Hemel Hempstead 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 extensions are acceptable, they relate well to the parent dwelling and application site, and would not result in any harm to the character or appearance of the street scene/area. Given the size and scale of the extensions and the size of the plot, sufficient space is considered to be retained in and around the buildings to avoid a cramped appearance and not result in the overdevelopment of the site.

2.3 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 or privacy.

2.4 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.

2.5 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 Appendix 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

3. SITE DESCRIPTION

3.1 The application site is a two storey detached property on Apollo Way, in a residential area of Hemel Hempstead.

3.2 The extension to the garage currently proposed has already been undertaken.

4. PROPOSAL

4.1 The proposal is for a single storey side extension and garage extension with external alterations.

4.2 The proposed side extension will project the entire depth of the existing dwelling and extend a further 5.6m to the rear. It will comprise a flat roof 2.5m in height, and infill the existing void between the dwelling and the boundary wall.

4.3 The garage extension proposes to extend the existing garage by 6.1m towards the roadside of Neptune Drive, totalling 12.1m long and 2.4m wide. The garage extension will be the same height as the existing garage. The existing/enlarged garage will be converted to a gym, workshop and office/studio for use by the current occupiers of the dwelling.

4.4 Whilst the proposed plans show an air conditioning unit on the roof of the garage this is no longer for consideration as part of the current application. Concern was expressed and a noise impact assessment was requested but this element has now been withdrawn from the current proposal. An air conditioning unit has been erected on the garage wall and this is currently part of an on-going enforcement investigation.

5. PLANNING HISTORY

Planning Applications:

21/01971/FHA - Garage extension and conversion to office. Single storey side and rear extension. White rendering and wooden cladding. Installation of air conditioning unit.

WDN - 28th September 2021

4/02397/15/LDP - Ground floor rear extension and front porch

GRA - 27th August 2015

Appeals: None

6. CONSTRAINTS

CIL Zone: CIL3

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Green (15.2m)

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

Residential Character Area: HCA20

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

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

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

Principle of Development

9.2 The application site is located in a well-established residential area of the town of Hemel Hempstead whereby in accordance with Policy CS4 residential development is acceptable in principle provided it adheres to local and national planning policy. The proposals are therefore acceptable in principle subject to a detailed assessment of their impacts.

Quality of Design / Impact on Visual Amenity

9.3 Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2021) all seek to ensure that development respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

9.4 The application site comprises of a detached property made of red brick, surrounded by other detached red brick properties, all uniform in style but some vary in materiality. Although it is noted that there are other examples of front, side and garage extensions in the vicinity.

9.5 The proposed single storey side extension features a simplistic design with a flat roof measuring 2.5m tall. The flat roof design keeps the mass and bulk of the side extension subtle and moderate. The proposed extension will be tucked between the property and the existing 2.5m boundary wall such that it will not be visible from, nor would it alter the overall character or appearance of this part of the street scene.

9.6 The proposed garage extension has already been constructed and matches the design and height of the original garage such that it appears as a natural continuation. Whilst the garage now extends forward and closer to the highway such that it is more prevalent and noticeable in the street scene it does not appear dominant or incongruous. The extended garage is the same height and therefore has the same overall appearance as the existing boundary walling albeit in a different location.

9.7 Given the extension and the garage are the same height and have the same overall visual impact as the original boundary walling they do not appear cramped or incongruous nor do they result in any visual harm to the application site or wider street scene.

9.8 The single storey side and garage extensions would not cause harm to the character of the area, or the existing dwelling house. As such the application is in accordance with the NPPF (2021), Saved Appendix 7 of the Dacorum Local Plan (2004) and Policies CS11 and CS12 of Core Strategy (2013).

Impact on Residential Amenity

9.9 The application site is located on the corner of Apollo Way and Neptune Drive, meaning the property is exposed on its south and west elevations to the street scene. All the proposed works are sited to the west of the parent property/garage. No works are sited within close proximity to number 20 Apollo Way but are instead set away from the common boundary.

9.10 The side extension is large, projecting 5.6m behind the existing rear elevation however, it is modest in height, and set some distance away from the common boundary such that it would not have a significant adverse impact on the residential amenity of number 20 Apollo Way with regard to loss of light, privacy and visual intrusion. The site extension would have no adverse impact to the properties the other side of Neptune Drive as it is sited beyond the existing walling.

9.11 The application site is unique in its form and layout. The majority of properties on Apollo Way feature a garage and driveway to their front/side, whereas the application site features its garage to the very rear of and at right angles to the dwelling. The extended garage is set some distance from the nearest neighbouring properties (number 20 Apollo Way and number 9 Neptune Drive) and as stated is the same height as the original boundary walling such that it would have very little impact on their residential amenities and would not appear visually intrusive or overbearing.

9.12 The conversion and extension of the original garage to a gym, office/studio and workshop is for the use of the existing occupiers of the dwelling and given its limited size/scale no concerns are raised with regard to noise or disturbance.

9.13 Concern was expressed in relation to the air conditioning unit and potential noise and disturbance (unit currently sited on the garage wall but shown on the roof of the proposed plans) however as stated, this element has now been removed from the proposals. A condition clarifying this will be included for the avoidance of doubt and to safeguard the residential amenities of adjacent properties. Enforcement investigations remain on-going.

9.13 The proposals would not have an adverse impact on the residential amenities of adjacent properties to comply with CS12.

Impact on Highway Safety and Parking

9.14 This application seeks to convert and extend the original garage into additional living space. Measuring 12.1m long and 2.5m wide the extended outbuilding would comprise a gym, workshop and office/studio.

9.15 The measurements of the original existing garage fall short of the minimum garage size set out in the Council's Parking Standards SPD (2020) and as such it cannot be deemed as a net loss in parking provision. The 6.1m extension of the garage removed the original driveway at the rear of the property so would result in the loss of a single parking space. However, having undertaken a site visit it is clear that the applicant has paved the entire front of the property to create a driveway (these works did not require formal planning permission) that will accommodate two parked cars.

9.16 Given the above, and the fact two off street parking spaces are provided, there are no concerns about the safety, or operation of adjacent highways. Furthermore, the proposal does not result in the creation of any additional bedrooms or the intensification in the use of the site.

9.17 The proposals comply with CS8 and CS12 in this regard.

CIL Liable

9.18 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.

9.19 The proposal is not CIL liable (below 100sqm).

Chiltern Beechwood Special Area of Conservation (SAC)

9.20 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.

9.21 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.

Response to neighbour objections

9.22 No formal objections were received

Response to member call-in

9.23 This application was called-in by the Ward Councillor on the grounds that it would cause overdevelopment.

9.24 With regard to overdevelopment this is defined as '*An amount of development (for example, the quantity of buildings or intensity of use) that is excessive in terms of demands on infrastructure and services, or impact on local amenity and character*'. The side extension and enlarged garage are modest in their footprints and sufficient space remains in and around the buildings such that the plot does not appear cramped, furthermore, they are not readily visible from, nor do they result in harm to the street scene as they are the same height as the original boundary walling. The intensity of the residential use would not increase as a result of the proposals and the site is considered of sufficient size to accommodate and adequately serve the level of use without harm to the character of the area or the amenity of occupiers.

10 RECOMMENDATION

10.1 That planning permission be **GRANTED** subject to conditions.

Condition(s) and Reason(s):

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

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

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

AW-201 SK14

AW-200 SK14

TQRQM21123205543383 Location Plan

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

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

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

4. **This permission does not relate to any air conditioning units.**

Reason: for the avoidance of doubt and to safeguard the residential amenities of adjacent properties in accordance with Policy CS12 of the Core Strategy 2013.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
7	0	0	0	0

Neighbour Responses

Address	Comments