



Public Document Pack

DEVELOPMENT CONTROL AGENDA

THURSDAY 12 JANUARY 2017 AT 7.00 PM
COUNCIL CHAMBER - CIVIC CENTRE

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 D Collins (Chairman)
Councillor Guest (Vice-Chairman)
Councillor Birnie
Councillor Clark
Councillor Conway
Councillor Maddern
Councillor Matthews

Councillor Riddick
Councillor Ritchie
Councillor Whitman
Councillor C Wyatt-Lowe
Councillor Fisher
Councillor Tindall
Councillor Imarni

For further information, please contact Katie Mogan or Member Support

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 complete the pink interest sheet which will be made available at the meeting and then hand this to the Committee Clerk at the meeting

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 know by
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	Noon the day of the meeting

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228221 or by email: Member.support@dacorum.gov.uk

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:

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

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

5. INDEX TO PLANNING APPLICATIONS

- 4/02937/16/FUL - CONVERSION OF AGRICULTURAL BARN TO FORM A PAIR OF SEMI DETACHED DWELLINGS COMPRISING A TWO-BEDROOM UNIT, A STABLE MANAGER'S ONE-BEDROOM DWELLING AND A MANAGER'S OFFICE - BARN 2, FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW (Pages 5 - 28)

- (b) 4/02744/16/FHA - FIRST FLOOR SIDE AND ROOF EXTENSION - 28 PEMBRIDGE ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0QN (Pages 29 - 37)
- (c) 4/02843/16/FUL - CONTINUATION OF USE OF THE SITE AS A CAR WASH INCIDENTAL AND ANCILLARY TO THE GARDEN CENTRE (RESUBMISSION OF 4/04024/15/FUL) - CHIPPERFIELD HOME & GARDEN CENTER, TOWER HILL, CHIPPERFIELD, KINGS LANGLEY, WD4 9LH (Pages 38 - 51)
- (d) 4/03043/16/LBC - REMOVAL OF INTERNAL LIGHTWEIGHT STUDWORK PARTITIONS. INSTALLATION OF SECONDARY GLAZING. REPAIRS AND REDECORATIONS. REPLACEMENT OF KITCHENETTE, WC AND WASH HAND BASIN - 10 HIGH STREET, TRING, HP23 5AH (Pages 52 - 57)
- (e) 4/02927/16/FHA- SINGLE STOREY REAR EXTENSIONS, REPLACEMENT ROOF, GARAGE CONVERSION, REPLACEMENT BAY WINDOWS AND FRONT PORCH - ROSEMARY, DUNNY LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9DD (Pages 58 - 65)
- (f) 4/02567/16/FHA - CONVERSION AND EXTENSION OF EXISTING DOUBLE GARAGE TO HABITABLE ROOM SPACE AS ANNEXE ACCOMMODATION - THE CART SHEDS, BOVINGDON GREEN, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LB (Pages 66 - 71)
- (g) 4/03266/16/ROC - VARIATION OF CONDITIONS 5 (HARD SURFACING MATERIALS - CHANGE OF AMENITY AREA TO CAR PARKING) AND 18 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00779/15/MFA (DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING.) - ABLE HOUSE, FIGTREE HILL, HEMEL HEMPSTEAD, HP2 5XH (Pages 72 - 84)

6. APPEALS (Pages 85 - 86)

7. PLANNING CODE OF PRACTICE (Pages 87 - 104)

8. FAILURE TO COMPLY WITH THE REQUIREMENTS OF AN ENFORCEMENT NOTICE (Pages 105 - 111)

Item 5a

4/02937/16/FUL- CONVERSION OF AGRICULTURAL BARN TO FORM A PAIR OF SEMI DETACHED DWELLINGS COMPRISING A TWO-BEDROOM UNIT, A STABLE MANAGER'S ONE-BEDROOM DWELLING AND A MANAGER'S OFFICE.

BARN 2, FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW

Existing Plans and Elevations



Item 5a

4/02937/16/FUL- CONVERSION OF AGRICULTURAL BARN TO FORM A PAIR OF SEMI DETACHED DWELLINGS COMPRISING A TWO-BEDROOM UNIT, A STABLE MANAGER'S ONE-BEDROOM DWELLING AND A MANAGER'S OFFICE.

BARN 2, FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW

Proposed Plans and Elevations



**4/02937/16/FUL - CONVERSION OF AGRICULTURAL BARN TO FORM A PAIR OF SEMI DETACHED DWELLINGS COMPRISING A TWO-BEDROOM UNIT, A STABLE MANAGER'S ONE-BEDROOM DWELLING AND A MANAGER'S OFFICE..
BARN 2, FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW.
APPLICANT: Mr Smyth.**

[Case Officer - Elspeth Palmer]

Summary

The application is recommended for approval as the proposed conversion of existing agricultural barn to 2 semi-detached dwellings comprising a two bedroom unit, a stable Manager's one bedroom dwelling and a Manager's Office complies with CS5 Green Belt, CS11 Quality of Neighbourhood Design, CS12 Quality of Site Design and CS27 Quality of the Historic Environment.

The principle of conversion of this building from agriculture to residential has already been established under a previous planning permission (4/03481/15/MFA) see history below.

There will be no impact on the openness or character of the Green Belt as the footprint and bulk of the building will not be changing from the existing. Via the previously signed unilateral undertaking this conversion will not have a detrimental impact on the rural economy. The UU will be amended to ensure that despite this application there will still be provision of a Manager's office and accommodation in this building.

The design of the proposal will be in character with the existing building and surrounding countryside. The design and materials of the proposal will also be in character with the adjacent Flaunden Conservation Area.

Site Description

The site is located on the eastern side of Birch Lane, Flaunden. This site is set back from the lane and reached via an unnamed access lane which also serves a number of stables and a dwelling. The site comprises a timber clad agricultural building on the southern side of the lane and a stable building opposite with a large area of land to the north which is predominantly fields with some dividing fences.

The building has internal partitions and has been predominantly used for storage.

The agricultural building is located to the rear of a number of dwellings which are clustered around the intersection of Birch Lane and Flaunden.

The site is located in the Flaunden Conservation Area and the Green Belt.

Proposal

The proposal is for the conversion of an existing agricultural building to form a pair of semi-detached dwellings comprising a two bedroom unit, a stable Manager's one bedroom dwelling and a Manager's office. The Manager's Office will include a desk area, a kitchenette, a rest area, tack store and W.C.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Flaunden Parish Council.

Planning History

4/02298/16/DRC	DETAILS REQUIRED BY CONDITIONS 3 (HARD AND SOFT LANDSCAPING), 4 (PHASE 1 REPORT), 6 (LAYOUT OF EQUESTRIAN USE), 7 (FIRE HYDRANTS), 10 (EXTERNAL MATERIALS), 11 (EXTERNAL MATERIALS) AND 12 (BUSINESS PLAN) ATTACHED TO PLANNING PERMISSION 4/03481/15/MFA - CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 4 BED DETACHED DWELLING; CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 2 BED DETACHED DWELLING WITH MANAGER'S OFFICE; SINGLE STOREY REAR EXTENSION TO COACH HOUSE; AND REFURBISHMENT AND IMPROVEMENT OF EXISTING STABLES. Delegated
4/01658/16/FUL	CONVERSION OF EXISTING AGRICULTURAL BARN TO 2 SEMI DETACHED DWELLINGS. Granted
4/03481/15/MFA	CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 4 BED DETACHED DWELLING; CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 2 BED DETACHED DWELLING WITH MANAGER'S OFFICE; SINGLE STOREY REAR EXTENSION TO COACH HOUSE; AND REFURBISHMENT AND IMPROVEMENT OF EXISTING STABLES. Granted 05/07/2016
4/02986/15/FUL	CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A DETACHED TWO BEDROOM DWELLING Withdrawn 26/09/2016
4/02895/15/FUL	CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A DETACHED FOUR BEDROOM HOUSE WITH HOME OFFICE AND STABLES (AMENDED SCHEME). Withdrawn 04/11/2015
4/01123/15/FUL	CONVERSION OF AN EXISTING STABLES TO FORM A SINGLE FOUR BEDROOM HOUSE WITH GARAGE AND WORKSHOP (REVISED SCHEME). Refused 21/08/2015
4/00201/15/FUL	CONVERSION OF EXISTING STABLES TO FORM A FOUR BEDROOM HOUSE WITH GARAGE AND WORKSHOP Withdrawn 17/03/2015

4/01569/05/FUL	STATIONING OF CARAVAN FOR SAFETY AND WELFARE OF HORSES Refused 20/09/2005
4/02292/03/FUL	EXTENSION TO COTTAGE AND CONVERSION OF ADJOINING STABLES. DEMOLITION OF TACK/FEED ROOM Granted 18/12/2003
4/00567/03/FUL	DEMOLITION OF EXISTING TACK AND FEED ROOM, CONVERSION OF STABLES AND EXTENSION TO ACCOMMODATION Refused 09/05/2003
4/02089/01/CAC	REMOVAL OF BARN Refused 01/03/2002
4/02088/01/FUL	REPLACEMENT OF EXISTING BARN WITH NEW DWELLINGHOUSE Refused 28/02/2002
4/00848/01/CAC	DEMOLITION OF BARN Refused 28/08/2001
4/00821/01/	ONE DWELLING Refused 28/08/2001
4/03435/15/FUL	Conversion of agricultural barn to B1a office space CASE WITHDRAWN Unknown
4/03688/15/FUL	PART DEMOLITION OF EXISTING AGRICULTURAL BARN AND CHANGE OF USE TO A DAYTIME COMMUNITY CENTRE AND WARDEN'S OFFICE. CHANGE OF USE OF EXISTING PARKING AREA TO 7 TRAVELLER AND GYPSY PITCHES INCLUDING 7 DAY UNITS Unknown

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS5 - The Green Belt
CS7 - Rural Area
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS14 - Economic Development
CS17 - New Housing
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 81, 110.
Appendices 3 and 5.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Landscape Character Assessment (May 2004)
Planning Obligations (April 2011)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Flaunden Parish Council

Flaunden Parish Council recommend **REFUSAL** of this application for the following reasons :

The whole of Barn 2 should remain as a single dwelling tied to the management of the equestrian land in order to protect the conditions of the Unilateral Agreement and to ensure the viability of the business is not affected.

The details of this application make no mention of the condition which ties this dwelling to the management of the equestrian centre. This condition was an important factor in the granting of the original application for the whole site. By changing the approved Tie Barn 2 to two properties, one of which we assume would not be tied to the management of the land. This application is in breach of the Unilateral Agreement

which formed part of the approval for application 4/03481/16/MFA which states that (16,b, iii) 'Not use or permit the use of the Tie Barn 2 other than as a Manager's Cottage'.

Breach of conditions of Application 4/03481/16/MFA which was approved with the condition that the viability of the business would not be affected. We believe these plans show, yet again, how Relic Homes show very little consideration and understanding of what is required to run an equestrian business. We believe that this application if successful, will impact on the viability of the business as it would be highly unlikely that someone wishing to run a 16 acre stables complex would consider it possible to run the business without the provision of an adequately sized Tack Room (which should include rest area, washing and kitchen facilities) and a completely separate and secure office area. We also consider that by reducing the size of the manager's dwelling to 65 sq m the dwelling which is too small for its stated purpose and would be unlikely to attract someone in the role of site Manager. This would affect the viability and sustainability of the business, thus breaching the conditions of the Unilateral Agreement.

Inappropriate layout and insufficient space allocated to Manager's residence.

Prior to Relic Homes' purchase of Flaunden House Stables, the 'Coach House', a property still on site, was tied to the management of the stables. The Coach House was originally a one bedroom property, which in 2003 (4/2292/03/FUL) was approved for extension to two bedrooms. Dacorum Council accepted this as being appropriate to support the commercial activity of the stables. Application 4/02481/15/MFA transferred the tie to the **2 bedroom barn** conversion for the purpose of ensuring that adequate accommodation for the management of ongoing equestrian activities was maintained. We do not consider that reducing this to a 1 bedroom property is appropriate to support the commercial activity of the stables.

Inadequate size of Tack Room and no provision of Manager's Office. 4/03481/MFA requires there to be a Manager's Office and Tack Room. Details required by conditions 4/02298/16/DBC, include a Business Plan which states (2.10) The dwelling will include an office area (2.1) a secure tack room is to be provided within the same building as the worker's dwelling but kept entirely separate. Flaunden Parish Council considers that a Tack Room of 12 square metres is inadequate for the storage of equipment for 16 horses. Again, offering a limited amount of space for this essential part of the business will affect the viability of the business. The area allocated to 'manager's office' includes a kitchenette and rest area for staff, which in total has an area of 10.6 sq m we consider this highly inadequate. The Manager's Office should be entirely separate from the rest area and kitchenette provided for staff. (The British Horse Association's comments detail further the facilities which should be provided).

Impact on safety. By adding another dwelling to the site, this changes the originally approved 4/03481/MFA for the whole site from 3 properties to 5 properties. By increasing the number of dwellings the amount of traffic entering the site will also increase. This further accentuates comments made on all previous applications for this site, by both Flaunden Parish Council and the British Horse Association, regarding safety for all due to the congested nature of the site, which shares access with pedestrians, horses, commercial and private vehicles.

Strategic Planning

The site falls within the Green Belt (Policy CS5). Policy CS5 (in accordance with

national policy in the NPPF (para. 90)) allows for the appropriate reuse of permanent and substantial buildings in the Green Belt. We note that the conversion and change of use of the existing barn has already been approved under 4/03481/15/MFA. Furthermore, the Government has recently introduced new permitted development rights to allow the conversion of certain agricultural buildings to housing through a prior approval process. Therefore, the principle of subdividing a barn to create 2 new dwellings is generally acceptable in this location.

Policy 110 provides further detail on the conversion of agricultural buildings in order to achieve a high quality of development. While it does point to a preference for non-residential over residential use of buildings, given the above points, we would advise to give this approach less weight. However, the policy does point to the need for care to be taken in terms of the conversion itself, fencing, parking and access, etc. (bullet points (d)-(f)).

Parking should be provided at 2.75 spaces (saved DBLP Appendix 5) and we note that 3 spaces are proposed.

Amenity space to a minimum of 11.5m should also be provided (saved DBLP Appendix 3) and it appears that this can be achieved in the case of both of the units.

Conservation and Design

Conservation and Design were satisfied with the previous proposal and the external appearance has not changed significantly from that already approved.

Thames Water

Waste Comments -Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

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

Hertfordshire Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Hertfordshire County Council as Highway Authority considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to the conditions and informative notes below:

CONDITIONS

1. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

Reason: In the interest of highway safety and free and safe flow of traffic.

2. Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason. To minimise the impact of construction vehicles and to improve the amenity of the local area.

INFORMATIVES

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

COMMENTS The proposal is for CONVERSION OF EXISTING AGRICULTURAL BARN TO 2 SEMI DETACHED DWELLINGS AND STABLE MANAGER'S OFFICE. PARKING AND ACCESS No changes are proposed.

Birch Lane is an unnumbered classified "C" road, subject to a 30mph speed limit, with low pedestrian traffic. There has been one slight accident in the vicinity of the site in the last 3 years.

CONCLUSION

The proposals are considered acceptable to the Highways Authority subject to the conditions and informative notes above.

HCC Planning Obligations Officer

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link:
www.hertsdirect.org/planningobligationstoolkit

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

- (i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning

obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

British Horse Society

Original Comments

The BHS objects to the changes proposed in 4/02937/16/FUL unless the previously required occupancy restriction and Unilateral Undertaking continues to apply to the whole of Barn B for the reasons below. They welcome the proposed improvement of the tack room and provision of a W/C.

The proposed smaller 65 sq metre single bedroom unit and no office would be entirely inappropriate for an equestrian managers dwelling but could potentially be ideal for a junior groom or employee.

The reduction in size to a 99 sq metre two bedroom accommodation as currently proposed is possibly adequate for an equestrian manager and her/his partner and possible child.

It is noticeable the current proposal to modify the plans for Barn B to reduce the size of the managers accommodation (as recently approved in application 4/03481/15/MFA) greatly reduces the size to below the established GIFA guidelines, previously defined in PPG7 as: 163 sq metres for a rural enterprise manager (to incorporate, for example, a farm office) or 140 sq metres (excluding garage) for an average rural workers dwelling.

The applicant's current application ignores the condition only recently discussed and approved by your Development Control Committee for Barn B to be converted to "form a 2 bed detached dwelling with Manager's office, protected by an agreed occupancy restriction.

The condition being a "Unilateral Undertaking to ensure that a commercial equestrian use is re-established on the site by tying the two bedroom dwelling, the 16 stables and associated land together for sole use of the equestrian activity; plus the associated land which is not directly in the ownership of The Coach House and Barn A".

It is important for the ongoing commercial viability of this enterprise that appropriate accommodation is provided for a professional and or knowledgeable person managing the equestrian use.

Comments on amendments

The BHS object to the latest amended plan for Barn 2 that retains a small single bedroom unit for the livery yard manager and family. In addition the amended plan layout of the combined rest room, kitchen and managers office space is inappropriate for such a business for the reasons stated below.

Our letter of 30 Nov requests the Officers consider that the manager's dwelling be retained as originally approved as a two bed dwelling of a similar size and consistent with decisions regularly determined in planning applications for rural workers. Plus the manager's office is also retained as an integral part of the two bedroom managers unit.

This application and the latest amended plan ignore the conditions stipulated when approval was granted for the conversion of Barn 2 in July 2016 (4/03481/15/MFA) in particular the Equestrian Tie requirements for t

Plus it overrides the Agricultural Consultant's viability report proposals clearly stating the need for the manager's office to be part of the dwelling and a tack room to be separate.

The area allocated for the manager's office on the latest plan is inappropriate being part of a single room to be shared with staff and clients who use the major part of the room as their rest area and kitchenette. The divided room now appears to have a tack area rather small for the size of yard.

The manager needs to be able to work in a secure office environment that can be locked and left secure when she/he is called away for say an emergency on the yard.

Attached as appendix A is a list of the typical records, documents and data for a livery yard that require protection, unlikely to be afforded in the proposed shared location for the manager.

The lack of a secure environment makes it difficult or even impossible for a manager to undertake a confidential conversation with a member of staff or a current/ prospective client particularly if documents or data need to be accessed during the meeting.

Councillor Objections:

Initial comments

The Tack, Saddle & Related Equipment Store MUST be inextricably linked to the adjacent 1 Bedroom Dwelling, which can ONLY be occupied by a (Full Time) Equestrian Centre Manager.

The two must NOT be allowed to be separated under any circumstances!

This appears to be confirmed within the Planning Statement at 2.1

N.B. A statement within this document at 5.1 appears to be incomplete. Something (grammatically) is missing.

Comments on amendments:

Under the circumstances, there are only two options available in connection with the current application. There are no others:

1) The applicant should withdraw the current application to carry out all the necessary design amendments to ensure the application is totally compliant with all conditions contained in the relevant approvals already granted and the Unilateral Undertaking.

I presume the applicant would still have time to carry out the necessary alterations and amendments - and re-submit amended (compliant) documentation for consideration at the DCC on 12th January 2017.

2) However, If the applicant is not prepared to withdraw and carry out the necessary amendments as stated in Item (1) above - and insists the current application is put before the DCC on 12th January 2017 (Which is less than 4 weeks away), I trust you would have no alternative but to include within your report a recommendation for REFUSAL until such time that a totally compliant application is submitted.

Please confirm whether Item (1) or (2) will be applicable.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Birch Lane House - Objects

1. The holistic plan (Ref 4/03481/15/MFA) first submitted by Relic homes and approved included transferring the existing tied Coach House to a similar sized new barn conversion of 2056 sq ft for the purpose of ensuring that adequate accommodation for the management of the ongoing commercial equestrian activities was maintained. In addition the development was to increase the number of residential dwellings on the site from one to three houses alongside the equestrian activities on the site. This latest proposal, in what has been an endless stream of amendments to this plan, now seeks to increase the number of separate residences on the site to five and, in the process, reduce the residential property tied to the commercial activities to a substantially smaller one bedroom property of 695 sq ft.

2. At the start of this process much emphasis was placed by both local residents, Flaunden Parish Council, Dacorum Planning and the Development Control Committee

members on trying to ensure that the equestrian activities would both re-open and also be viable and sustainable. By reducing the size of the tied residential property to the barest minimum possible the viability and sustainability of the stables will be further eroded.

3. The need to have a reasonable sized two bedroom house attached to the equestrian activities which is proportional and appropriate to the commercial activity has already been accepted by Dacorum Planning in allowing the original Coach House to be extended (Ref 4/02292/03/FUL). If a unit larger than the one being proposed was previously accepted as not adequate why would you now accept that this one is?

4. Ultimately the stables will be put on the market and marketed by Relic Homes, who are property developers not equestrian professionals. If the attached 'tied' residence is only a very small 695 sq ft one bedroom semi detached unit it is highly unlikely that the sale of the 16 acres of commercial equestrian land, buildings and tied accommodation will find a buyer at the price this acreage in Flaunden would justify. At which point Relic Homes will return with a new application to develop the remaining stables buildings on the grounds that the business was unsaleable and therefore 'non-viable'. This whole scenario will have been cleverly engineered, one amendment at a time, until what is left bares no resemblance to the original holistic plan. The importance of an adequate infrastructure and accommodation required to sustain a successful equestrian activity on the site will have been completely undermined.

5. Relic Homes have already demonstrated their desire to sell this property independently of the equestrian activities, disregarding the planning approval which tied the barn to the equestrian activities, which you have previously been made aware of and sent the estate agents particulars for. This latest application is simply a further attempt to maximise their profitability at the expense of the equestrian business viability and sustainability.

6. I do not believe there is anything within planning guidelines to dictate that the 'tied' status has to be lifted on the detached barn, as currently approved, and as such I would ask that you refuse this application. It is wholly driven by profit maximisation through further residential development of the site to the detriment of the local economy. It is important, as was the intention of the original approval for this barn conversion, that a reasonable balance between residential development and protection of the local economy is maintained. This latest application goes significantly beyond that level.

Based on the above, I am therefore objecting to this application.

Flaunden House - Objects

1. Relic Homes are seeking to increase the number of separate homes at Flaunden House Stables to five, reducing the residential property tied to the commercial activities to a much smaller one-bed property of 695 ft2.

2. By reducing the size of the tied residential property, the possibility and viability of an equestrian centre will be eroded further.

3. If a unit larger than the one being proposed was previously not deemed adequate and proportional, then surely this smaller one would not be either?

4. Relic Homes clearly seem to be setting up a scenario that will eventually render an

equestrian business unmarketable and non-viable. This is not acceptable.

5. Relic Homes have already demonstrated their wish to sell this property independently of the equestrian activities, disregarding the planning approval that tied the barn to the equestrian activities - you have seen the estate agent's particulars for this.

Considerations

Policy and Principle

The principle of residential conversion of this building was approved under 4/03481/15/MFA which included a holistic approach for the whole site at Flaunden House Stables.

The Development Control Committee at its meeting on 7th April, 2016 recommended that the above application be delegated to the group manager with a view to approval subject to the signing of a Unilateral Undertaking which would bind the property and every part thereof to carry out and comply with the obligations.

The obligations are:

- that the existing stables be only used for commercial uses;
- Barn 2 will be the Manager's cottage;
- the land (except for that shown on the Master Plan - ownership map) which will belong to the dwellings approved under this development will be used for equestrian stables and associated equestrian use.

The Unilateral Undertaking is to ensure that a commercial equestrian use is re-established on the site by tying the two bedroom dwelling, the 16 stables and associated land together for sole use of the equestrian activity;

This subject site is within the area covered by the Unilateral Undertaking.

The Unilateral Undertaking will need to be reworded and resigned to allow the changes proposed under this proposal.

Suggested amendment is to Clause 16(b)ii of the sec. 106 Agreement to read, **'Not use nor permit the use of Tie Barn 2 other than as a manager's Cottage unless granted through a further specific planning permission'**.

The current proposal

The main differences between that already approved and that now proposed are:

- two separate dwellings;
- minor changes to the outward appearance; and
- amenity space has been reduced by being shared between two dwellings.

Impact on Green Belt

As there is no increase in the footprint proposed when compared to the previous conversion scheme, and minimal changes to the exterior of the building there will not be an impact on the openness or character and appearance of the green belt or countryside.

Effects on appearance of building

There are only minor changes to the fenestration from the approved plans so no significant change to the character of the building.

Impact on Street Scene / Conservation Area

The proposal will not change the form of the building so will not have a detrimental impact on the street scene or the Flaunden Conservation Area.

Impact on Trees and Landscaping

No significant trees will be affected by the proposal.

Impact on Highway Safety

There is no change to the access to be used by the site.

Car Parking

The maximum parking standards in Appendix 5 of the Dacorum Borough Local Plan states that a 1 and 2 bedroom dwelling outside of Zones 1 and 2 must have 2.75 spaces. The provision of 3 car parking spaces complies with this standard.
(1 bed 1.25 and 2 bed 1.5 spaces)

Impact on Neighbours

There will be no changes to the form of the building already approved so there will be no loss of sunlight and daylight.

The minimum garden depth of 11.5 metres will be retained and no side windows are proposed so there will be no loss of privacy as a result of the proposal.

Amenity Space

Appendix 3 of the Dacorum Borough Local Plan states that "private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 metres. Ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests."

The proposal will provide for a garden depth in excess of the 11.5 metres.

Other Material Planning Considerations

As this application is in effect an amendment to the previously approved 4/03481/15/MFA the relevant conditions placed on this approval to ensure the equestrian use is re-established on site have been applied to the current proposal.

If the conditions were not applied to this approval the current proposal could be built with no work being carried out towards the re-establishment of the equestrian use on the site which would be contrary to the MFA approval and the previous decision at DCC to refuse the original proposal to convert the building to residential.

Conclusions

RECOMMENDATION - That determination of the application be **DELEGATED** to the Group Manager, Development Management with a view to approval subject to the amendment and signing of the Unilateral Undertaking by the relevant parties.

- 1 The development hereby permitted shall be begun 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.

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

Reason: To ensure a satisfactory appearance to the development and to comply with CS 11,12 and 27.

- 4 No development of the buildings hereby approved shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground**

(e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to Safeguard the visual character of the immediate area and to comply with CS5,11,12 and 27.

- 5 Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 6 Prior to commencement of development the refurbishment of the stables as described in the application and listed below must be completed.**

- **Replacement and renewal of worn felt roof on the stables;**
- **Replacement of rotten stable doors with new stable doors;**
- **Repoint loose bricks to the bottom of wall; and**

- **Renew / seal leaking rainwater goods.**

Reason: To ensure that the stables are refurbished and that they are available for the re-establishment of the equestrian use on the site and therefore complies with CS5 with particular reference to supporting the rural economy.

- 7 Prior to the commencement of development plans showing the layout of the equestrian use shall be submitted for approval by the local planning authority to demonstrate the stables, supporting buildings and infrastructure for the operation of the livery yard, provide for horse and pedestrian safety and will support the rural economy in terms of a sustainable equestrian facility.**

Reason: to ensure the proposed use supports the rural economy and maintenance of the wider green belt countryside as well as highway safety in accordance with policies CS5 (Green Belt), CS9 (Management of roads) of the Core Strategy 2013, Policy 51 (Development and transport Impacts), Policy 81 (Equestrian activities) of the Dacorum Borough Local Plan 2004 and the NPPF.

- 8 Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development.**

The development shall thereafter be implemented in accordance with those approved details.

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with core strategy policies CS1, CS4, CS12 & CS29.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes [A, B, C, D, E, F and G]

Part 2 Classes [A, B and C].

Part 6 Class A

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual

amenity of the locality.

Reason: In the interests of safeguarding the openness of the Green Belt; the rural character of the building and the site; and the visual amenity of the surrounding countryside. The proposed development comprises of the conversion of two agricultural buildings in a rural area and it is important for the local planning authority to retain control over certain future development which would normally represent permitted development, in order to safeguard the rural character of the surrounding countryside.

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

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

- 11 **Where proposed materials for Barn 2 do not match the existing, no development shall take place until details of the external materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the Conservation Area and to comply with policies CS27 and CS 11 and 12.

- 13 **Prior to commencement of development a Business Plan for the equestrian use must be prepared and approved by the local planning authority.**

Reason: To comply with CS5 with particular reference to supporting the rural economy.

- 14 **All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.**

Reason: In the interest of highway safety and free and safe flow of traffic.

- 15 **Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.**

Reason. To minimise the impact of construction vehicles and to improve the amenity of the local area.

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

CIL
Site and Location Plan 16.149.P10.00 Rev B
Proposed Floor and Elevation Plan 16.149.P10.002 Rev A
Existing Floor and Elevation Plan 16.149.P10.001
Planning Statement (description on front page incorrect - see amended application form)
Amended Application Form

Unilateral Undertaking - tying Barn B and all land not under the ownership of Barn A and The Coach House to the stables for the equestrian use.

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

Article 35 Statement:

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informatives:

Welfare of animals

Please refer to the DEFRA Code of practice for the Welfare of Horses, Ponies, Donkeys and Hybrids, NEWC Compendium for the Welfare of Horses, Ponies and Donkeys and the BHS Approval Criteria for Livery Yards. This guidance sets out minimum standards to ensure a level of appropriate well-being at an equestrian use which will ensure the longevity of the business and in turn supports the rural economy in accordance with CS5.

Highways

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

telephoning 0300 1234047.

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

AN1. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN2. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Transport maintained and available on site should emergency veterinary treatment be required.

(Reason - the provision of a trailer and towing vehicle and or horse box is a welfare requirement for the transportation to a Veterinary hospital for sick animals requiring urgent lifesaving surgery if diagnosed by a veterinary surgeon or other competent person).

Protected Species

- "Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant."
- "Site clearance should be undertaken outside the bird nesting season, typically March to September (inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the building/surrounding vegetation should be made by a suitably experienced ecologist and if active nests are found, then works must be delayed until the nesting period has finished."

It is possible that bats may be using areas of the existing building.

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

Thames Water

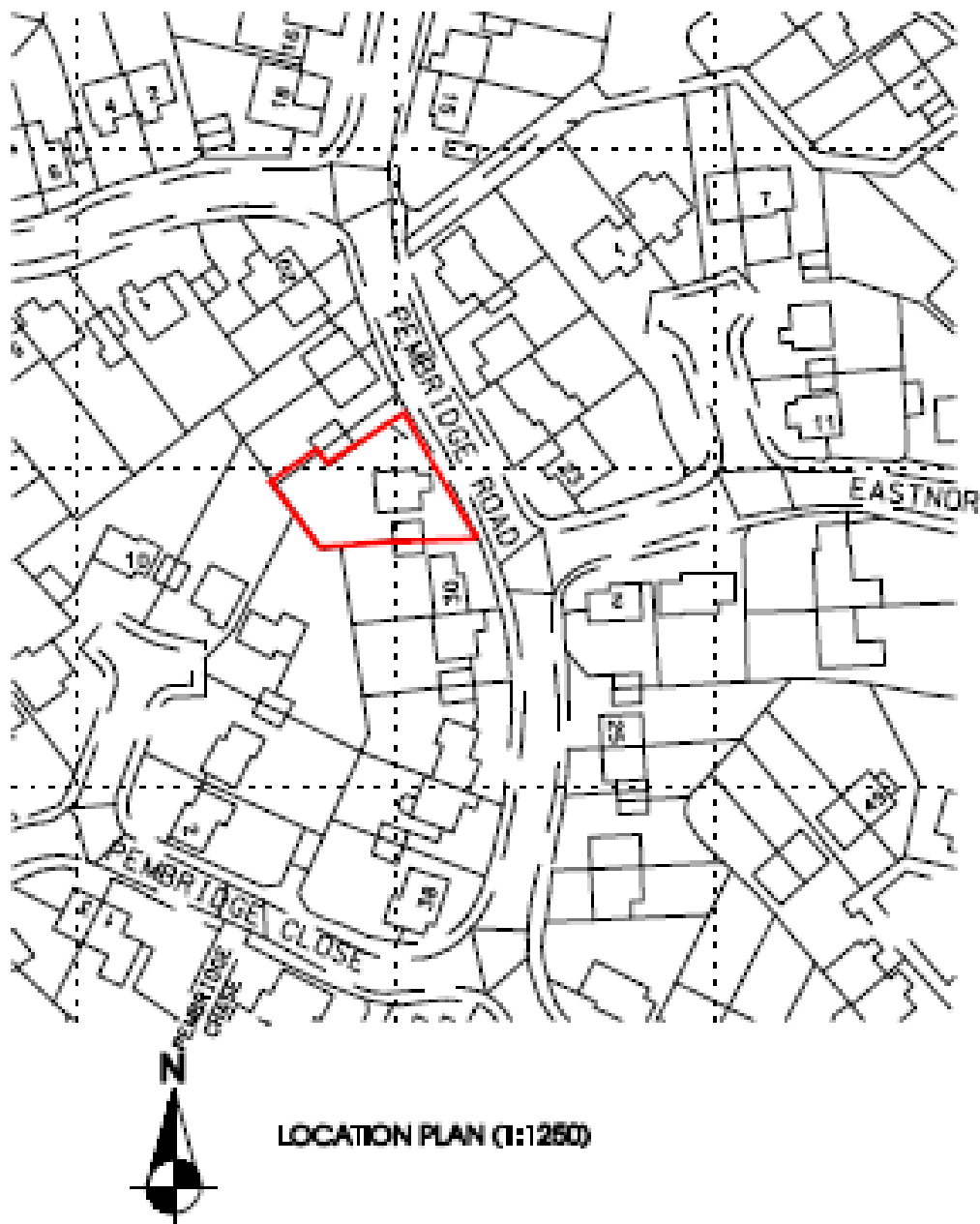
In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Item 5b

4/02744/16/FHA- FIRST FLOOR SIDE AND ROOF EXTENSION

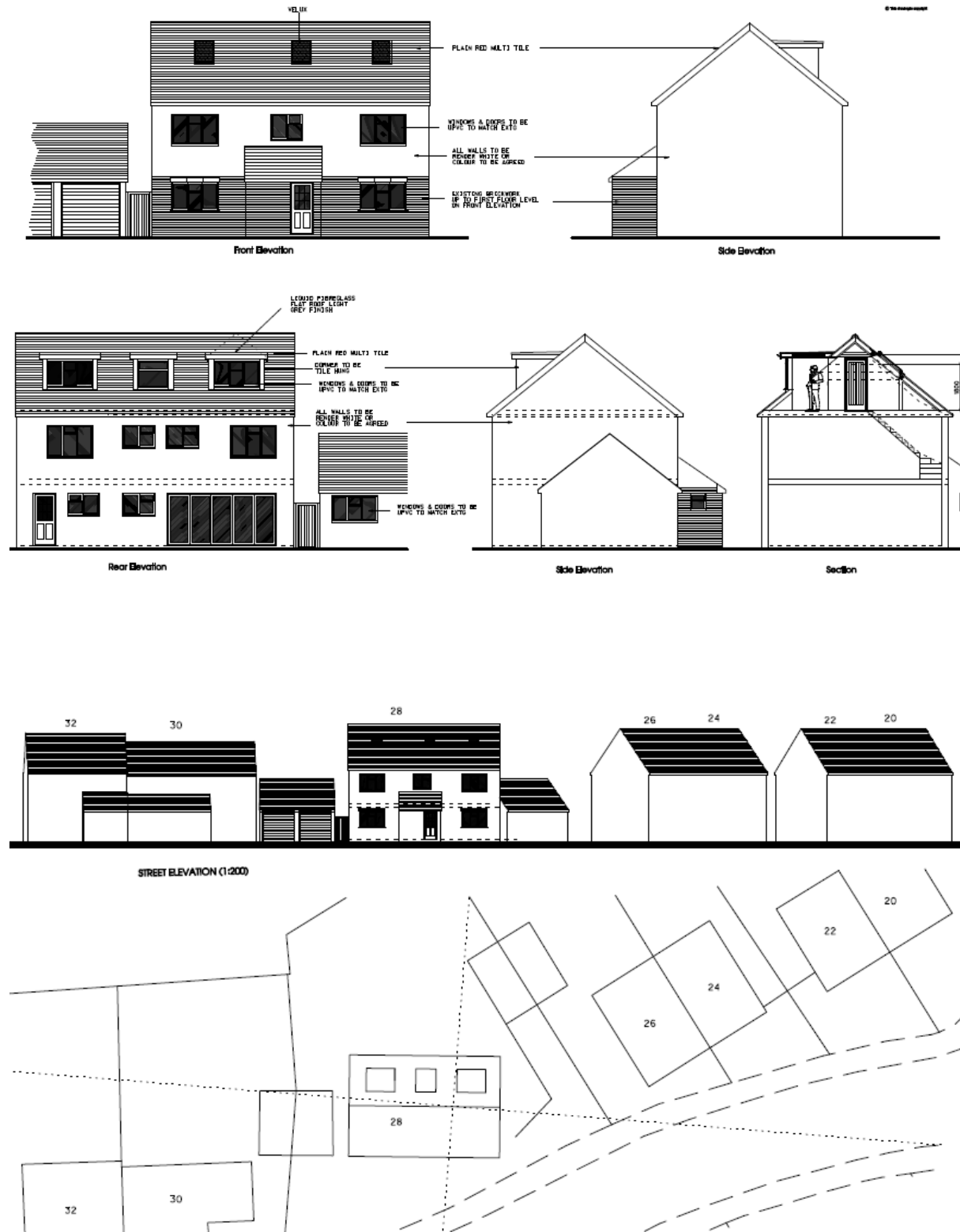
28 PEMBRIDGE ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0QN



Item 5b

4/02744/16/FHA- FIRST FLOOR SIDE AND ROOF EXTENSION

28 PEMBRIDGE ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0QN



**4/02744/16/FHA - FIRST FLOOR SIDE AND ROOF EXTENSION.
28 PEMBRIDGE ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0QN.
APPLICANT: Mr & Mrs Johnson.**

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval. The site is located within the large village of Bovingdon wherein extensions to properties are acceptable in accordance with Policy CS4 of the Core Strategy.

The proposed extensions would significantly alter the appearance of the dwelling, however they would integrate successfully with the streetscape character and respect adjacent properties in terms of site coverage, scale, height and materials. As such the proposal complies with Policy CS12 of the Core Strategy.

Given their size and scale, the three rear dormers would slightly adversely affect the appearance of the parent dwelling, appearing as dominant and bulky additions. However they have been amended from pitched roof to flat to reduce their visual impact and relate better to the simple host roof. The dormers would be viewed from very few (if any) public vantage points and as such would not cause significant visual harm. The amenity of adjoining neighbours in terms of loss of privacy would be slightly adversely affected. However, the greater level of overlooking afforded from the dormers is not significant when compared to other rear facing windows in the vicinity or when compared to previous levels (before landscaping was established). The proposal does not affect the amenity of adjoining neighbours in terms of loss of sunlight or daylight. On balance, given the harm to residential amenity is limited, the proposal is considered to comply with Policy CS12 of the Core Strategy.

It is important to note that dormers of identical size and form to that proposed could, and have been, constructed on properties within the area without the need for planning permission under their normal permitted development rights. However, in this instance, unlike all surrounding dwellings, the roof pitch of No. 28 is too low to facilitate a loft conversion. As such the current application seeks consent to raise the roof and convert the loft. Notwithstanding the fact that consent is required, the overall impact of the proposed roof extension and rear dormers would be very similar if not identical to the impact of dormers constructed on adjacent sites without the need for consent. This is a material consideration and must be given significant weight in the determination of this application. It is thus recommended that permission is granted.

Site Description

The application site lies on the south west side of Pembridge Road within the large village of Bovingdon. Pembridge Road and the surrounding cul-de-sacs are a 1980s development arranged in an irregular and undulating manner with houses of several different distinct designs set at angles to each other. No. 28 is a modern detached dwelling with hipped roof that is significantly lower than its neighbours, despite the eaves being level. The dwelling is red brick with white plastic board at first floor level. It is the only dwelling like this (design and materials) in the immediate vicinity, there are other identically designed properties in the wider street scene but there is no rhythm or regularity to the pattern of the different designed dwellings.

Proposal

Permission is sought for the construction of a first floor side and roof extension to include rear dormers and front velux roof lights.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Bovingdon Parish Council.

Planning History

4/00324/05/FHA FIRST FLOOR SIDE EXTENSION
Granted
31/03/2005

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Summary of Representations

Bovingdon Parish Council

Original plans - Object

Proposed dormer windows to rear of property overlook neighbouring properties causing loss of privacy.

Revised plans - awaiting comments.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No. 6 Pembridge Close:

Original and Revised Plans - Object;

- Loss of privacy. The new apex appears to be 3.1 metres higher than the current apex. Into this three dormer windows are being installed which look directly into my property. The distance from my property's boundary to the applicant's house is a mere 9.5 metres. The distance from the applicant's house to my conservatory is approximately 16 metres and 20 metres from my kitchen which means there will be a clear view into my property from the proposed three dormers. At the rear of my kitchen is a patio and the pleasure my wife and I get from using that will be severely affected if we are overlooked by these three dormers. We are both semi-retired and intend to retire next year and enjoying sitting in our garden is a pleasure we will not have if we lose the privacy we currently have. We have lived in our property for 16 years and the loss of privacy will be substantial.
- Overdevelopment. The applicant's house is on a plot which is much too small to accept the amount of development proposed and will be overbearing and out of scale to other houses in the surrounding area. It is going to be considerably higher and wider than would have

been acceptable when the properties were originally designed and built. Visually it will look very imposing. It will have a very brutal appearance. Also the highest point of the roof will be some 2 metres closer to my property than the existing roof.

- When the houses on the Moody Estate were first built there was deliberately a mixture of styles but the current proposal does not fit with any of the styles of other properties on the Estate. The appearance of the house appears to be completely different to the original with the removal of the wood cladding and the walls all to be rendered white. This will be the only property finished in this style. The house is of a Georgian design and the roof it currently has reflects that design but the proposal is to remove that roof and replace it with one that does not fit in with the original design. The tiles that are being used will alter the appearance, again meaning the house will look out of character to the surrounding properties.
- The plans do not reflect the extra height of the roof in the measurements shown.

Address Not Stated:

- Our main objective for concern is the detrimental effect the proposed dormers, located on the second floor will have on our privacy. One of the key reasons we decided to move was the garden and the fact that we weren't overlooked, therefore we would ask that the dormer windows are repositioned at the front of the house and the Velux at the rear to overcome this issue.
- As far as I'm aware, there are rules that govern the size of property in relation to the land. From looking at the plans, the proposed development supersedes the ratio allowed and will look very much out of place with its surroundings.
- The plans show the new proposed building will be 3 metres higher than the existing structure, which will have an overpowering appearance and have detrimental effect on the surrounding properties. This will alter the original design of the estate, which up to now has generally kept its original appearance.

Considerations

Policy and Principle

The site is situated within the large village of Bovingdon wherein residential development is acceptable in accordance with Policy CS12 of the Core Strategy.

Effects on appearance of building and street scene

The proposed extensions would significantly alter the appearance of the dwelling, however they would integrate with the streetscape character and respect adjacent properties in terms of site coverage, scale, height and materials. Currently the existing dwelling appears at odds with the surrounding dwellings especially given the white plastic cladding. As such the proposal complies with Policy CS12 of the Core Strategy.

This part of Pembridge Road is characterised by properties of several different distinct designs set amongst each other. There is no overarching pattern to the street scene, properties appear at different heights, with hipped and gabled roofs and there are numerous different materials including brick, render, timber, upvc cladding and tile hanging exhibited in the street scene. The proposed extensions would make the dwelling more similar in size and style to the adjacent properties and given there is no regularity to the pattern of different dwellings it would not appear incongruous. It is proposed to raise the height of the roof, and whilst appearing approximately 1.5m higher than the existing dwelling and 150/200mm higher than existing adjacent dwellings, it would not appear unduly prominent or overbearing in the wider street scene as there is already great variance in building heights. Furthermore, given the separation distance between the properties and their orientation, the slight increased ridge line would not be perceived as such from street scene level. The application property is set 7m away from

No. 30 to the south and set back such that its front elevation aligns with the rear elevation of No. 30. To the north, No. 26 Pembridge Road is located 10m away and orientated at an angle. Given the separation of the properties, their stagger and orientation to each other, the minimal height increase would not be noticeable. Whilst they would not be readily visible from public vantage points, the pitched roof to the rear dormers has been omitted during the course of the application to reduce the mass and bulk associated with them. The flat roof dormers sit more comfortably on the rear roof slope.

Concern has been expressed about the proposed materials. There are, as stated, a number of different materials evident in the immediate street scene. The existing upvc white cladding to No. 28 results in the current building appearing incongruous. A dwelling to the south-east less than 25m away is already rendered with brickwork at ground floor level and there are other examples of render on the estate. The materials proposed would not harm the overall character and appearance of the street scene but would represent a significant improvement to the existing.

It should be noted that a first floor side extension over the garage incorporating a hipped roof was previously granted planning permission. The principle of increasing the width of the dwelling at first floor and roof level has thus already been established. The width of the dwelling would remain as previously approved albeit with a different and slightly higher roof design. It is concluded that the visual impact of the proposed extensions on the overall street scene would not be significantly greater than that of the approved scheme.

Impact on Highway Safety / Parking

The existing dwelling comprises 4 bedrooms. The proposal results in the creation of two additional bedrooms. Appendix 5 of the Local Plan sets out the maximum demand based parking standards and requires 3 off street spaces for a dwelling with 4 or more bedrooms. The site currently provides two off street spaces (garage and driveway) to serve the 4 bedroom dwelling and these arrangements would not be altered as part of the scheme. There is currently a shortfall of one space. However it is important to note that there is no additional parking spaces expected of a 6 bedroom dwelling compared to a 4 bedroom dwelling. Therefore what is acceptable for this 4-bedroom dwelling (in this case 2 spaces) is equally acceptable for the proposed 6-bed dwelling. In addition these are maximum demand based standards. The proposal thus complies with Appendix 5. There would thus be no adverse impact on the safety of operation of Pembridge Road.

Impact on Neighbours

The proposal would have an adverse impact on the residential amenities of adjacent properties but not to such a degree as to warrant a refusal.

The increased roof height allows for the conversion of the loft space, and the introduction of three rear facing dormers. These will inevitably overlook the properties to the rear, including No. 6 Pembridge close who have objected. Concern has been expressed that the dormers will directly overlook No. 6. Given the position and orientation of the properties, there are no dwellings immediately behind No. 28 Pembridge Road. Nos. 6, 8 and 10 Pembridge Close are the closest neighbours to the rear, but all of these dwellings are set at an angle to the application dwelling. Similarly Nos. 1, 3 & 5 Dinmore, which are set further away, are also set at an angle. Views from the proposed dormers to all surrounding properties would thus be oblique and not direct.

Given the layout and topography of the land (relatively flat) there is already a degree of mutual overlooking between sites from the existing first floor rear facing bedroom windows of the application property. Views of the rear elevations of the properties behind (including No.6) and in some cases, their immediate garden area already exist. It is acknowledged that the elevated

position of the dormers would increase views but not to a significant or unacceptable degree. Despite neighbour concerns, given their set back position within the roof, the dormers would actually appear at a greater distance away from the properties of Pembridge Close and Dinmore than the existing first floor windows, which are closer. It is concluded that a refusal could not be sustained.

It is important to note that all of the properties in the area could, and many have (Nos. 39, 59, 11, 71 and 47) undertaken loft conversions to include rear dormers under Permitted Development without the need for planning permission. Given the very low roof pitch to No. 28 there is insufficient head height to convert the existing roof, all surrounding properties however have higher roofs and could introduce rear dormers. The effect of the dormers now proposed would be very similar to those that could be constructed without consent on adjacent properties. This is a material consideration that must be afforded significant weight in the current considerations.

With regard to the side extension, it follows the existing front and rear build lines of the existing dwelling, and whilst projecting closer to No. 26, it aligns with this neighbour's blank side wall to the north-west. The extension would thus not appear prominent or over-bearing when viewed from No. 26. It is not proposed to have any windows to the side elevation so there would be no privacy issues to No. 26, in fact, there is an existing first floor landing windows which permits direct views to the side of No; 26 and this would be lost as a result of the proposed extensions. The proposal would thus, with regard to impact on No. 26, represent an improvement to the existing situation. The side extension complies with Policy CS12 of the Core Strategy. Furthermore, given that a very similar side extension was previously approved, the principle has already been established. There have been no material changes to the site or neighbouring properties since consent was granted in 2005.

Other Considerations

Concern has been expressed that the proposal represents an overdevelopment of the site. The rear garden tapers and as such in places is less than the 11.5m depth requirement in Appendix 3. However, equally the depth of the rear garden in other places exceeds 11.5metres, whilst the width of the garden ranges from 13m to 15m. This ensures that the rear garden remains for a dwelling of this size a functional family amenity space. Furthermore, this is comparable to, if not in excess of, all adjacent sites. Finally, and importantly, the footprint remains the same and as such the proposed extensions do not encroach on any of the existing garden and parking areas. In policy terms there would be no difference in the amenity space requirements for a 6-bed compared to a 4-bed dwelling. Overall, therefore, in this instance, there is no sound planning reason to remove permitted development rights.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

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

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to comply with Policy Cs12 of the Core Strategy.

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

PL/001 - Site Location Plan
PL/002 - Existing Floor Plans
PL/003 - Existing Elevations
PL/004 Rev A - Proposed plans
PL/005 Rev A - Proposed Elevations
PL/006 - Street Scene

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

Article 35:

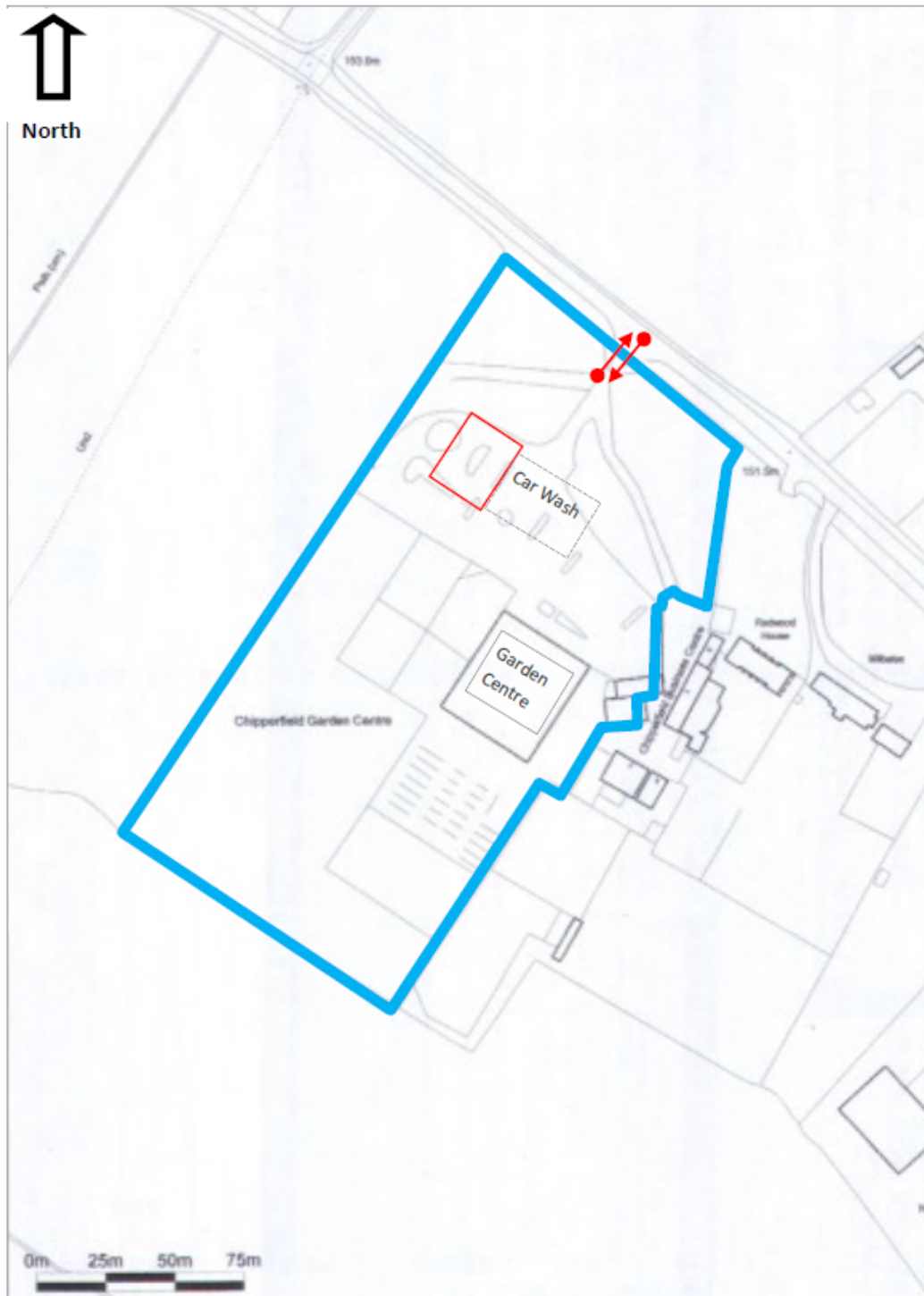
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Agenda Item 5c

Item 5c

**4/02843/16/FUL- CONTINUATION OF USE OF THE SITE AS A CAR WASH
INCIDENTAL AND ANCILLARY TO THE GARDEN CENTRE (RESUBMISSION OF
4/04024/15/FUL)**

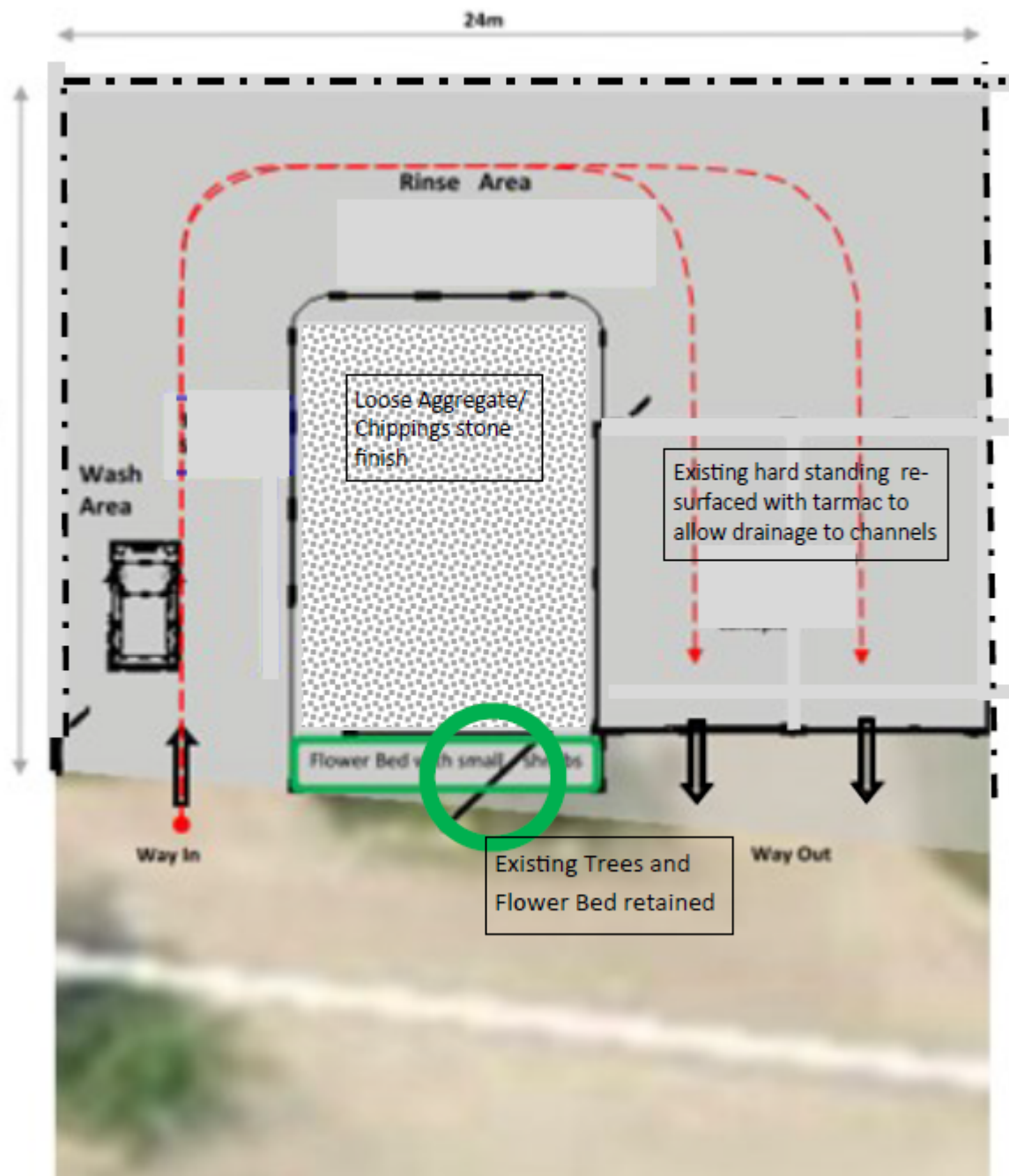
**CHIPPERFIELD HOME & GARDEN CENTER, TOWER HILL, CHIPPERFIELD,
KINGS LANGLEY, WD4 9LH**



Item 5c

4/02843/16/FUL- CONTINUATION OF USE OF THE SITE AS A CAR WASH
INCIDENTAL AND ANCILLARY TO THE GARDEN CENTRE (RESUBMISSION OF
4/04024/15/FUL)

CHIPPERFIELD HOME & GARDEN CENTER, TOWER HILL, CHIPPERFIELD,
KINGS LANGLEY, WD4 9LH



4/02843/16/FUL - CONTINUATION OF USE OF THE SITE AS A CAR WASH INCIDENTAL AND ANCILLARY TO THE GARDEN CENTRE (RESUBMISSION OF 4/04024/15/FUL). CHIPPERFIELD HOME & GARDEN CENTER, TOWER HILL, CHIPPERFIELD, KINGS LANGLEY, WD4 9LH.

APPLICANT: Wyevale GC and GFL Management.

[Case Officer - Rachel Marber]

Summary

The application is recommended for approval

The application seeks retrospective planning permission for the retention of a car-wash facility within the main car park area of the Chipperfield Home and Garden Centre. The principle of development in respect of the siting of the car-wash facility within the boundary curtilage of the garden centre is considered acceptable as the facility is incidental to the primary use of the site and therefore no material change of use has occurred. It is further considered that the proposed structures involved in the washing of vehicles form appropriate development in the Green Belt due to the occupying of previously developed land. The proposed structures are considered to have no greater visual impact than if the area was used as overspill parking, or as previous, storage. As such, the scale, height, design, form, coverage and siting of the car-wash facility and associated structures, are such that they do not result in unacceptable harm to the openness, purpose or visual amenity of the Green Belt. In addition, the retrospective proposal is not considered to have an undue impact upon the residential amenity of the neighbouring properties or safety and operation of the adjacent highway. Furthermore, the social and economic benefits of job provision from the use weigh in favour of the application. The proposed development therefore complies with the National Planning Policy Framework (2012), policies CS5, CS11, CS12 and CS31 of the Core Strategy (2013) and saved policies 46, 58 and appendices 3 and 5 of the Local Plan (2004).

Site Description

The application site is located within the boundary curtilage of Chipperfield Home and Garden Centre, Tower Hill, Chipperfield. The proposal area is towards the north west of the site and located on part of a disused area of car parking which was formerly used for storage. The site lies within the Metropolitan Green Belt.

Proposal

Retrospective planning permission is sought for the continuation of use of part of the storage area/car park as a car wash. Due to the ancillary nature of the car wash, and thus no material change of use, this permission seeks consent only for the following structures:

- Office container
- Fencing
- Translucent wash screens
- Hard standing and road markings

Case History

Legal Agreement

Chipperfield Home and Garden Centre was granted planning consent in 1988. This consent included a S106 (previously known as S52) Legal Agreement of which clause 2s specified the following:

“The circulation road and car parking areas edged in yellow on the plan annexed hereto shall not be used for any purpose other than the circulation and parking of vehicles visiting the site.”

An application to vary this clause and thus legally use the site as a car wash is currently pending consideration under application reference: 4/02626/16/VAR. We have received confirmation from the Case Officer for this application that the removal of clause 2s is acceptable. Having taken advice from Council’s Legal Department approval has been given to determine this application.

Refusal of Previous Permission and Judicial Review

Permission for use of the site as a car wash was refused on the 22nd of February 2016. The reasons for this refusal were as follows:

“The application site is located within the Green Belt where there is strict control over development. The proposed use is not within the specified types of development permissible within the Green Belt and no compelling circumstances have been put forward to justify a departure from this policy.

By virtue of the nature and location, the proposed use would have a significantly greater visual impact on the site than existing and former uses and would therefore have a significant adverse impact on the character and appearance of the countryside and Green Belt. Furthermore, the stationing of proposed car washing facility would intensify the use of the site. As such the proposal is contrary to Policies CS5, CS11 and CS12 of the Dacorum Core Strategy and the National Planning Policy Framework.”

Failure to cease activity on the site resulted in an Enforcement notice being served. An appeal against this refusal was submitted however; as the documents were not submitted within the 6 month deadline the appeal was not processed. The applicant has taken the Inspectorates’ decision to Judicial Review.

Amendments to current scheme

The current application has been amended from the previously refused scheme. The following amendments have been made:

- Removal of double canopy drying area;
- Removal of Pergola, customer waiting area;
- Removal of Storage container; and
- Staff and Operations cabin reduced in size.

Referral to Committee

The application is referred to the Development Control Committee due to contrary views of Chipperfield Parish Council.

Relevant History

- 4/02626/16/VAR VARIATION OF LEGAL AGREEMENT ATTACHED TO PLANNING PERMISSION 4/0096/88
Delegated
Pending Consideration
- 4/00966/16/RO C VARIATION OF CONDITION 11 ATTACHED TO PLANNING PERMISSION 4/00096/88/FUL (GARDEN CENTRE GLASS HOUSE AND CAR PARKING)
Delegated
Pending Consideration
- 4/04024/15/FUL CHANGE OF USE OF PART OF EXISTING EXTERNAL STORAGE/CAR PARKING AREA (A1) TO CAR WASH AND VALET SERVICE, INSTALLATION OF DOUBLE CANOPY, WASH SCREEN, CABINS FOR OFFICE/REST ROOM, SECURE STORAGE, PERGOLA, LANDSCAPING AND FENCES
Refused
22/02/2016
- 4/01191/98/4 HORTICULTURAL PLANT SHADE
Granted
27/08/1998
- 4/00425/95/4 PLANT PROTECTION CANOPY AND EXTENDED CAR PARK (RESUB)
Granted
07/06/1995
- 4/00176/95/RES SUBMISSION OF LANDSCAPING DETAILS PURSUANT TO P/P 4/0096/88 (GARDEN CENTRE, GLASSHOUSE AND CAR PARKING)
Granted
08/03/1995
- 4/01205/94/FUL ERECTION OF PLANT PROTECTION CANOPY AND EXTENSION OF CAR PARK
Refused
20/10/1994
- 4/00371/91/4 NON ILLUMINATED ENTRANCE SIGNS

Granted
19/04/1991

4/00890/90/4 TWO BEDROOM BUNGALOW (RESUBMISSION)
Refused
15/08/1990

4/02017/89/4 DETACHED DWELLING
Refused
01/02/1990

Policies

National Policy Guidance (2012)

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

Adopted Core Strategy (2013)

CS5 - Green Belt
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS31 – Water Management

Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 46 – Garden Centres
Policy 58 - Private Parking Provision
Appendix 3- Gardens and Amenity Space
Appendix 5- Parking Provision

Constraints

Greenbelt
Special Control for Advertisements

Summary of Representations

Chipperfield Parish Council

Objection

"CPC do not support this application due to the site being Green Belt."

Cllr Riddick

Objection on Green Belt grounds

Environmental Health

No Comment

I have no adverse comment to make regarding this application

Comments received from local residents:

Redwood House, Tower Hill

"Initially the car valet operators did display additional signage (swing sign) outside on the grass verge (near the road, 7 days per week) however I confirm they have not been doing so for many weeks now. Providing they continue not displaying this additional signage and providing the relevant government/council departments i.e. Environment Agency, Environmental Health and Planning Department can assure me that there will never be an increase in noise and that no cleaning chemicals shall enter our land i.e. detergents and water blown in the wind then I do not object to their planning application."

Key Considerations

The main planning considerations in the determination of this application are:

1. The Principle of the Development
2. The Principle of Development within the Green Belt
3. Impact on Character and Appearance of the Area
4. Effect on Amenity of Neighbours
5. Highways Safety and Parking Provision
6. Other Material Planning Considerations

- (i) Social and Economic Impacts
- (ii) Flood and Drainage
- (iii) Appeal Decisions
- (iv) CIL and other Contributions

1. Principle of Development

Saved policy 46 of the Local Plan (2004) states no addition to garden centre buildings will be permitted unless the development is very small in scale and has no detrimental effect on the character and appearance of the countryside.

The proposed use of the car wash would add several temporary structures to the site and the proposal would be limited in scale. As such, subject to preserving the character of the countryside (see discussion below), there is no compelling objection to the principle of the development with regard to saved policy 46.

2. Principle of Development within the Green Belt

The application site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential

characteristics of Green Belts are their openness and their permanence. There is the presumption against inappropriate development in the Green Belt, as advised by The National Planning Policy Framework (2012). Inappropriate development is, by definition, harmful to the Green Belt unless a case of special circumstances can be demonstrated which would outweigh this harm.

Therefore, the main issues to consider in terms of Green Belt policy are the appropriateness of the development, effect on the purpose of including land in the Green Belt, effect on the openness of the Green Belt and the impact on the visual amenity of the Green Belt. If the development is inappropriate development a case of very special circumstances would need to be put forward to justify its approval.

Appropriateness

The agent has put forward an evidenced case that the proposed use of the Garden Centre car park as a car wash is ancillary to the Garden Centre use for the following reasons:

- WCG (who manage Chipperfield Garden Centre) have contracted GFL (franchise of the car wash) to submit the application for the car washing facility to serve their customers.
- Primary use of the whole site remains as a Garden Centre.
- The car wash offers an additional service for customers while they shop, similar to garden centre restaurant.
- Garden Centre customers usually expect to find a car wash on site.
- A survey conducted of car wash customers indicates 96% are Wyevale customers.
- The car wash is very small in size and scale and appears visually and physically ancillary to the overall garden centre development.
- The car wash is not separated from the car park by any barriers.
- The opening times of the car wash are the opening time of the garden centre, i.e. when Wyevale open/close the front site entrance (security gate).
- The car wash constitutes only a small area of the site: 2.2% of the site.
- 120 car washes per week, totally 17/18 per day.

Given the above mentioned evidence and the scale and nature of the proposed use, it is considered that the proposal would not be different in function or character when compared to the existing lawful use of the site. As such, the proposed car wash would be ancillary to the lawful use of the site as a Garden Centre and does not constitute a material change of use.

Construction of New Buildings

The site lies within the identified Green Belt, where the Green Belt Strategy is set out in the NPPF (Section 9: Protecting Green Belt Land). Therefore aside from the presumption in favour of sustainable development and core planning principles set out in paragraphs 6-17 of the NPPF the most relevant paragraph in this regard is 89. This states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, unless they fall within one of the exceptions set out.

Policy CS5 of the Core Strategy (2013) summarises the following acceptable small-scale

development which would be permitted:

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

The proposed development would be located on a piece of land which has been previously developed, in accordance with the definition for previously developed land (PDL) within Annex 2 of the Framework.

Policy CS5 of the Core Strategy (2013) states that the redevelopment of previously developed sites may be acceptable. Additionally, the NPPF (2012) states that the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) would be appropriate provided there would be no greater impact on the openness of the Green Belt and the purpose of including land within it.

Taking the above into account, subject to the proposal having no greater impact in terms of the openness of the Green Belt and including land within it than the existing Garden Centre (see discussion below), the partial redevelopment of this PDL would constitute appropriate development within the Green Belt, in accordance with identified local and national policy.

Openness

As such development within previously developed land is appropriate subject to preserving the openness of the Green Belt. The ancillary use of car wash proposes retention of the following structures on site:

- 2.7 metre high, 15m² Office container;
- 1.6 metre high fencing; and
- 5x 2 metres high translucent wash screens

These elements are considered small-scale and short term additions to the site. Moreover, the proposed fencing and translucent screens could be constructed without formal planning consent under Part 2, Class of the GDPO which allows the construction of a gate, fence, wall or other means of enclosure up to 2 metres high. It is further considered that given the previous use of this area as car park/storage space the proposed structures do not further detriment to the openness of the Green Belt.

With regards to the visual sense of openness, there are views into the site from the open countryside these are limited due to set back of proposed application site within the curtilage of the Garden Centre and boundary treatment.

Overall, though the development would increase the physical permanence of the site, the proposal would not result in significant harm to the openness of the Green Belt over and above

the existing lawful use of the site as a developed car park/storage area.

Purposes of including land in the Green Belt

It is necessary to consider whether the proposal would result in harm in terms of the five purposes of including land in the Green Belt. Paragraph 80 of The NPPF states that the Green Belt serves five purposes:

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

The proposal does not result in the unrestricted sprawl of a large built-up area, two towns merging into one another or encroachment of the countryside due to the proposal being located within a brown field site. Furthermore, the development does not harm the setting of a historic town and would not make urban regeneration any less likely.

Summary

The proposed car wash use would not constitute a material change of use and the retention of identified structures would not result in harm to the openness of the Green Belt or the purposes of including land within it when compared to the existing lawful use of the previously developed site. As such, the proposal represents appropriate development within the Green Belt.

3. Impact on Character and Appearance of the Area

Policies CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of design, scale, massing, materials, layout, bulk and height.

In accordance with the submitted application the proposed wash screens comprise of an aluminium section profile with a triple glazed polycarbonate sheet. The fencing is close boarded, stained black and the office cabin comprises of galvanised steel painted light grey. These materials are considered to be acceptable and unobtrusive to the already hard form of the car park/storage area; as such the proposal complies with policy CS12 of the Core Strategy (2013).

There are views into the site from the neighbouring agricultural plots and Tower Hill Road. Nonetheless, the boundary treatments to the north western boundary in respect of the screening fence and wooded trees are such that the car-wash facility is not be overtly visible from the adjacent highway or countryside.

It is important to note that although the structures are currently permanently on site, they are of temporary form and situ. As such, once the use of the car wash ceases they can be removed

with no residue effect to the site or appearance of the Green Belt.

As a result the structures associated with the car wash service are considered to relatively blend into the immediate environment and screened from the adjacent countryside and therefore not considered significantly visually intrusive or harmful to the character and appearance of the immediate area or countryside; accordingly the proposed coheres with the NPPF (2012) and policies CS5, CS11, CS12 of the Core Strategy (2013).

4. Effect on Amenity of Neighbours

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 on neighbouring properties and their amenity space. Thus, proposals should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

Given the scale, location and nature of the proposal it is not considered the development results in significant harm to the living conditions of the occupants of surrounding residential units, in terms of overbearing, overlooking and loss of light.

Turning to noise and disturbance, the application site is located over 50 metres away from the nearest residential property. Given the nature of the retained use, these properties would not be adversely affected. Environmental Health were also consulted on the scheme and raised no objection. The properties in closest proximity are businesses and as such themselves generate some degree of noise and disturbance and traffic.

For this reason, the retrospective application is considered acceptable in regards to residential amenity, complying with terms of the NPPF (2012), saved appendix 3 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013).

5. Highways Safety and Parking Provision

Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles.

The Council's Parking Standards, set out within saved appendix 5 of the Local Plan (2004) require 1 parking space per 25 m² gfa for garden centres. The use of the car wash within the Garden Centre car park results in a reduction of parking provision available (although, the precise number is not known due to the informal layout of parking spaces for this area). Nonetheless, the main Garden Centre car park is considered to retain sufficient car parking provision (total 52 spaces) and the use of the site for the car wash was previously used for storage and not parking (photographic evidence of this was submitted alongside the planning application).

As a result, it is not considered that the proposal compromises the operation of the existing Garden Centre and does not result in an unacceptable reduction of the existing car parking provision on the site. Thus, it is not considered that the proposal would impact on the safety and operation of the adjacent highway.

6. Other Matters

(i) Social and Economic Impacts

Sustainable economic growth is one of the key aspects of the current planning system. Paragraph 19 of the NPPF states:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.’

Paragraph 20 of the NPPF then goes on to outline:

‘To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.’

Specifically, with regards to the rural economy, Section 3 of the NPPF highlights that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas.

The application car wash employs a total of 5 full time staff and 4 part time staff and supports the business of the Garden Centre and provides a new facility to meet the needs of the local area. As such, the proposed retention is considered to have sufficient social and economic benefits to the rural economy to weigh in favour of the application.

(ii) Flood and Drainage

Policy CS31 seeks to minimise the risk of flooding. The application site is not located within Flood Zones 2 or 3, indicating a low probability of flooding. Furthermore, the change in surfacing to Loose Aggregate/Chippings stone finish is to allow a permeable finish for water run off into main sewer. The discharge into this foul sewer was granted consent by Thames Water on the 24th November 2015. Gradients are used to direct waste water to a channel that flows to oil and silt interceptors that discharges into a manhole that gives direct access to the public foul sewer. Drainage works would fall under engineering operations which are considered acceptable within the Green Belt, in accordance with the NPPF (2012) and CS5 of the Core Strategy (2013).

(iii) Appeal Decisions

It is important to refer to similar appeal and planning decisions for the determination of the use of car washes within the car park of a garden centre and designated Green Belt site:

- **Appeal Ref: APP/T0355/C/10/2126788: Wyevale Garden Centre, Dedworth Road, Windsor, SL4 4LH.**

[no] restriction or barrier separating the car wash from the rest of the garden centre and its parking spaces... a separate planning unit has not been created and, as a matter of fact and degree, the car wash is **incidental to the main use and operation as a garden centre...** the **siting of the office/store**, whilst operational development in its own right, was **small in scale and appeared visually and physically ancillary** to the overall garden centre development which **generally preserved the openness of this part of the Green Belt**.

- **Appeal Ref: APP/R5510/A/11/2149723: Pield Heath Garden Centre, Pield Heath Road, Hillingdon.**

The Inspector commented that the **siting** of a proposed outbuilding and existing car washing facility to the **north of the main car park and adjacent to an area which is used for outside sales and storage, and which is used for car parking overspill, will be incidental to the primary use of the site as a garden centre and a material change of use would not occur**. The Inspector considered that the **washing of vehicles in the car park area would have no greater visual impact than if it was used as overspill parking**, and that the proposed outbuilding would be essential for housing cleaning equipment and materials in association with the car washing facility. As such, the Inspector effectively established that the then existing car-wash facility adjacent to the northern boundary was a **permitted acceptable use and that it would not constitute an inappropriate development within the Green Belt**.

Subsequent to this a further retrospective planning application expanding the car park has been approved app ref: 13831/APP/2016/370.

- **App Ref: W/12/00556/CU: Fuchsiavale Nurseries, Worcester Road, Torton, Kidderminster, DY11 7SB**

Planning decision – It was considered that the engineering operation carried out to create the drainage tanks and car washing area **would not adversely affect the openness of the Green Belt**. The proposal **would not result in the permanent stationing of cars** on the car washing area. As such, this amended proposal **falls within the permitted uses set out in para 90 of the NPPF**. In addition, the applicant has submitted information to demonstrate very special circumstances that would justify development in this location. It is not necessary for the applicant to demonstrate this. Nonetheless, the information submitted is useful in establishing that the existing use is a local business and that the **business provides revenue for the district and employment for local residents**. This is clearly in accordance with the positive view the government has set out in the NPPF which seeks to **promote economic growth and support small scale rural businesses**.

(iv) Community Infrastructure Levy (CIL)

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

RECOMMENDATION - That determination of the application be **DELEGATED** to the Senior Manager, Development Management , following the expiry of the consultation period and no additional material considerations being raised, with a view to grant for the following reasons.

- 1 **The premises shall only be open to customers between 9:00 am and 18:00 pm on Mondays to Saturdays; and 10:00 am to 16:00 pm on Sundays , Bank Holidays and Public Holidays.**

Reason: To ensure the use remains incidental to the Garden Centre, in accordance with policies CS5 and CS12 of the Core Strategy (2013).

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

311/23/03a Rev A
311/23/03b Rev A
311/23/03c Rev A
331/21/03h
331/21/03j
331/21/03f
331/21/03g
331/15/04a

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

Article 35

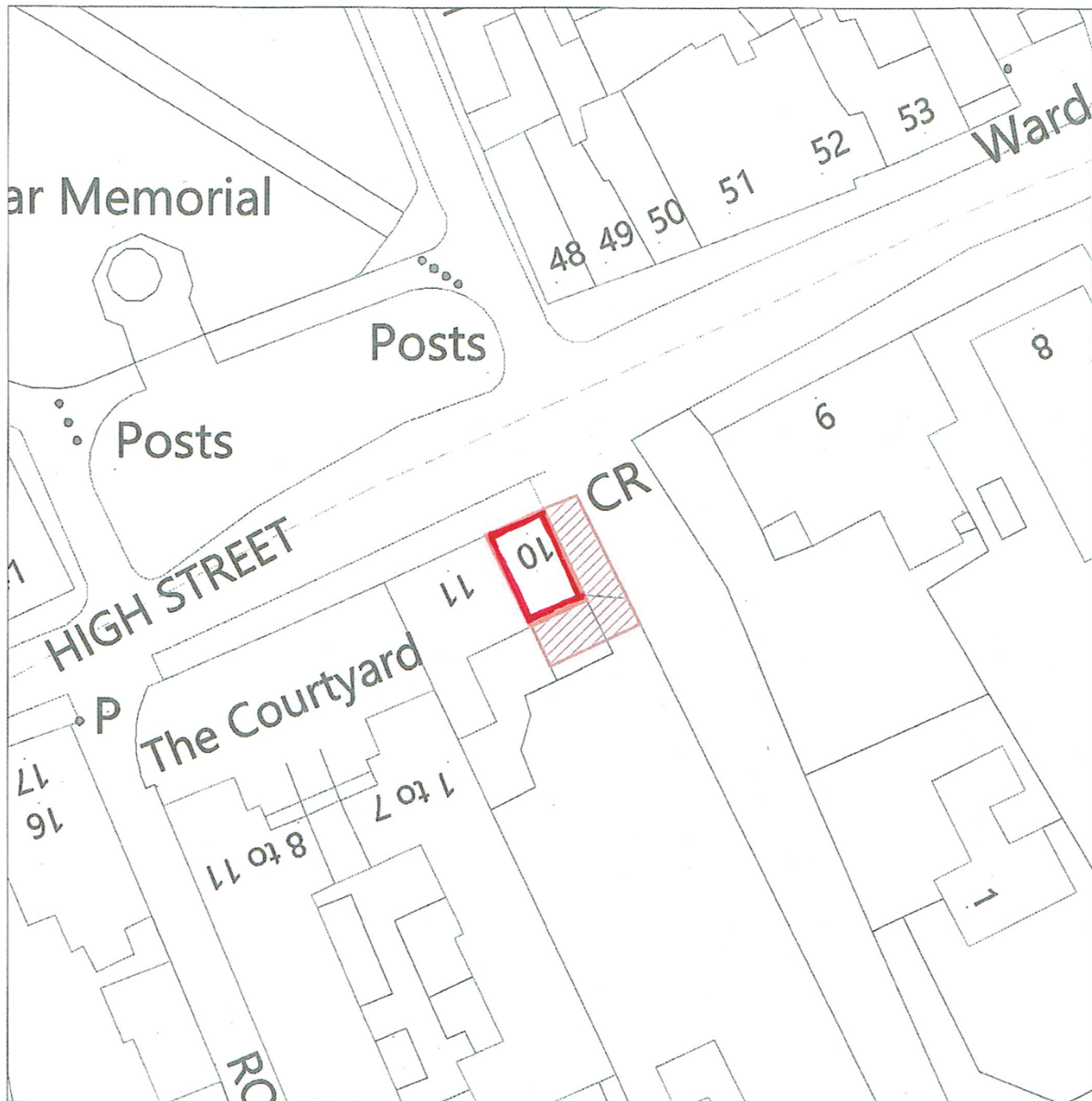
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

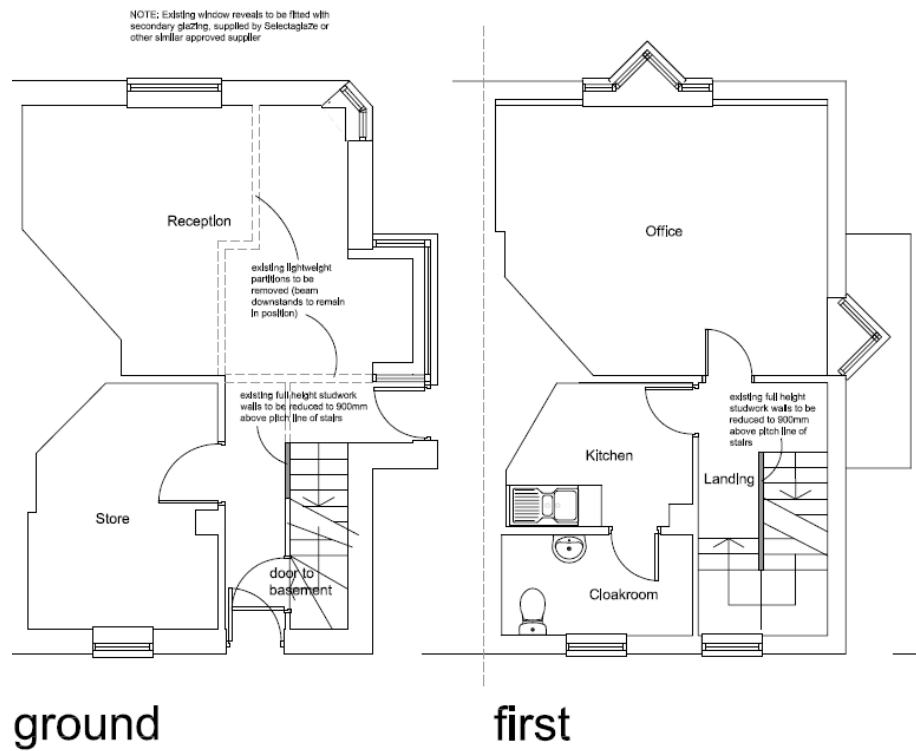
Agenda Item 5d

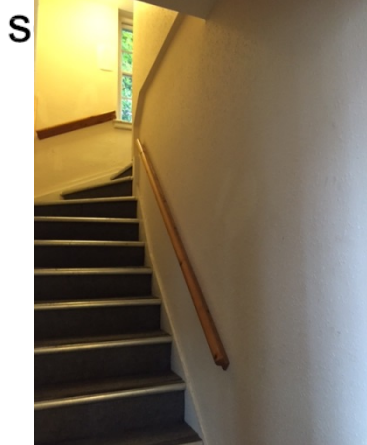
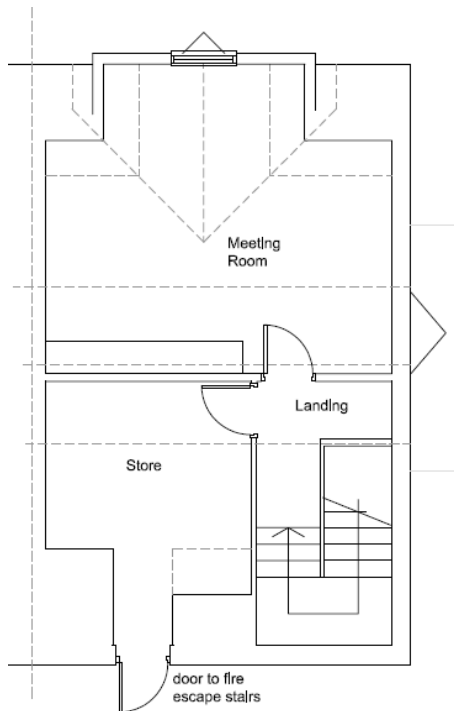
Item 5d

4/03043/16/LBC- REMOVAL OF INTERNAL LIGHTWEIGHT STUDWORK PARTITIONS. INSTALLATION OF SECONDARY GLAZING. REPAIRS AND REDECORATIONS. REPLACEMENT OF KITCHENETTE, WC AND WASH HAND BASIN

10 HIGH STREET, TRING, HP23 5AH







**4/03043/16/LBC - REMOVAL OF INTERNAL LIGHTWEIGHT STUDWORK PARTITIONS.
INSTALLATION OF SECONDARY GLAZING. REPAIRS AND REDECORATIONS.
REPLACEMENT OF KITCHENETTE, WC AND WASH HAND BASIN.
10 HIGH STREET, TRING, HP23 5AH.
APPLICANT: BrayBeech Homes Ltd.**

[Case Officer - Neil Robertson]

Summary

The application is recommended for approval.

Site Description

The existing building is a 3 storey 18th century dwelling with 19th century modifications. The external appearance is low level brickwork with tile hanging above and planted timber framing to the gables. With its partner building on the opposite side of Mansion Drive it formed the entrance to the nearby Mansion.

Proposal

To remove internal modern stud partitions to the ground floor and stair case. See below in relation to other works noted on the application description.

Referral to Committee

The application is referred to the Development Control Committee due to the building being in local authority ownership.

Planning History

4/00408/17 Change of use from residential to offices for WRVS	17/05/1979	Granted
4/01067/84 Continued use as offices Granted	10/09/1984	
4/01750/87 External Fire Escape Staircase	15/06/1987	Granted

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan

Policies 119

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Constraints

Listed Building

Summary of Representations

Tring Town Council

No Objection

Considerations

Impact on the significance of the listed building

The stud partitions were examined at a pre application site visit and the partitions were found to be modern and of no heritage significance. They detract from the character and appearance of the listed building by sub-dividing the original ground floor rooms. These spaces therefore cannot be appreciated and the character has been detrimentally affected. The removal of the modern walls will allow the rooms to return to their historic proportions. This would be beneficial to their character and that of the overall building. The other area of work involves the removal of the stud partitions within the staircase. These detract from the character of the staircase. It is proposed to remove these walls and is hoped that the original banisters are located beneath the stud partitions. If these historic bannisters are still in place the proposal is to repair and restore to the original condition. If these are not in place the proposal would involve redesigning the banisters to one more appropriate to the building. This work will be subject to a condition.

The description of the works for this application also includes replacing the kitchenette, WC and installing secondary glazing. However these works do not require listed building consent as they would not affect the character and appearance of the listed building and can proceed immediately.

Overall, these proposals would enhance the listed building and should be supported.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The works for which this consent is granted shall be begun 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.

- 2 **Following opening up works to the bannisters a suitably scaled plan (1:20) for any new joinery details and finish shall be submitted in writing within two months to the Local Planning Authority. These works shall be carried out as approved within two months of the date of approval for these works.**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Core Strategy Policy CS27 2013 and Policy 119 of the Dacorum Local Plan 2004.

- 3 **The development hereby permitted shall be carried out in accordance with the**

following approved plans/documents:

Floor Plans Proposed BBH/013/PL/02 Rev A

Floor Plans Existing BBH/013/PL/02 Rev A

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

Article 35 Statement

Listed building consent has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Agenda Item 5e

Item 5e

4/02927/16/FHA- SINGLE STOREY REAR EXTENSIONS, REPLACEMENT ROOF, GARAGE CONVERSION, REPLACEMENT BAY WINDOWS AND FRONT PORCH

ROSEMARY, DUNNY LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9DD

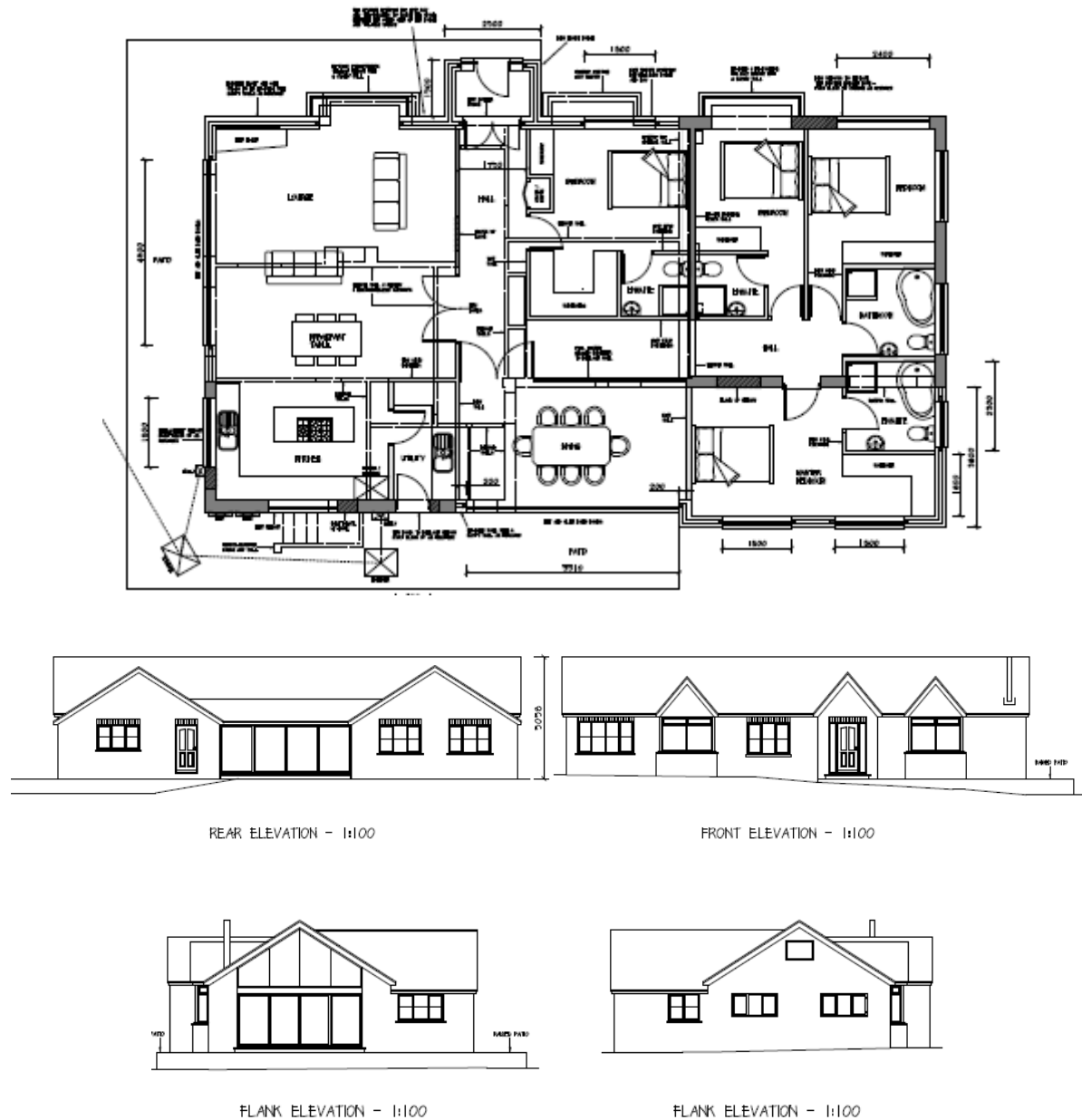


1:1250 LOCATION PLAN

Item 5e

4/02927/16/FHA- SINGLE STOREY REAR EXTENSIONS, REPLACEMENT ROOF, GARAGE CONVERSION, REPLACEMENT BAY WINDOWS AND FRONT PORCH

ROSEMARY, DUNNY LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9DD



4/02927/16/FHA - SINGLE STOREY REAR EXTENSIONS, REPLACEMENT ROOF, GARAGE CONVERSION, REPLACEMENT BAY WINDOWS AND FRONT PORCH. ROSEMARY, DUNNY LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9DD. APPLICANT: MR/MRS WEIR.

[Case Officer - Intan Keen]

Summary

The application is recommended for approval.

The extension or alteration of a building in the Green Belt is appropriate in accordance with the NPPF. The proposed development would not represent disproportionate additions over and above the size of the original building and therefore would not compromise the openness of the Green Belt. The proposed dwelling would not have an adverse impact on the appearance of the Chipperfield Conservation Area, the street scene or wider countryside. The development would not have an adverse impact on the residential amenity of neighbouring properties. Car parking arrangements would be sufficient.

The proposal is therefore in accordance with the NPPF and Policies CS5, CS11, CS12 and CS27 of the Core Strategy.

Site Description

The application site is currently occupied by a detached bungalow located on a backland plot accessed via a drive off the south-eastern side of Dunny Lane. The application site lies within the Green Belt and the Chipperfield Conservation Area. It is surrounded by residential properties in a low density rural setting.

Proposal

Planning permission is sought for a single-storey rear extension, garage conversion to habitable accommodation, front porch and alterations to openings including relocation of front bay windows.

The proposed rear extension would square off the rear and southern portion of the dwelling, incorporating two gable ends to the rear elevation. The height of the building would remain as existing.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Chipperfield Parish Council.

Planning History

Application 4/01686/16/LDP for a Certificate of Lawful Development (proposed) for single-storey rear extension was granted. This decision confirms the location of the original rear wall of the dwelling.

The site has also been subject to applications for the attached garage which replaced two existing single garages, under applications 4/01127/11/FHA and the earlier application 4/00727/09/FHA, both of which were granted. The report associated with the 2011 application notes the following:

Permission was granted in 2009 for the demolition of the garages and their replacement with a pitched roof, double garage of the same footprint as the combined existing garages

(4/00727/09/FHA). Permission was granted for a non material amendment in 2010 (Planning ref: 4/01371/10/NMA) to the garage which brought the front elevation forwards by 300mm, so that it is flush with the front elevation of the bungalow, resulting in a slightly larger footprint and slightly altered roof pitch.

This application proposed the granted garage to raise the height of the roof so that it is level with the ridge height of the parent dwelling. The proposed height of the garage would be 4.2m level with the dwelling. The application also proposed a second window to be inserted into the side elevation of the garage.

Historical maps and aerial photographs also confirm the footprint of the dwelling as existing consistent with submitted information under the above-mentioned applications.

Specifically, the historical map dated 1962-1979 shows the footprint of the dwelling generally as existing when the site was then known as Thresfield.

The aerial photograph from 1970 shows both the original garage projection to the side and rear extension.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 22 and 58
Appendices 5 and 7

Summary of Representations

Neighbours

No formal representations received.

Chipperfield Parish Council

Object

CPC does not support this application due to the development being in excess of 30% of the original dwelling, and in the conservation area.

Conservation and Design

This is a modern bungalow within the conservation area of brick with man-made roofing. It is set back from the road and is enclosed on all sides by surrounding private properties. There is also mature planting surrounding the site.

The property is well screened and makes a minimal contribution to the character of the conservation area. The proposal would be in keeping with the design of the existing cottage. The proposed extensions and enhancement to the roofing would overall have a neutral impact on the conservation area.

There are a number of locally listed and listed buildings in the vicinity. However given their distance from the site, the surrounding vegetation and existing building within the site the extension of the bungalow would have a minimal impact on the setting of these buildings.

Recommendation The proposal would have a minimal impact on the character of the listed building and the conservation area. As such we would not object to the application. Bricks to match existing roof tiles subject to approval.

Contaminated Land

Historical maps show that the property is built within the vicinity of potentially contaminative land uses (former lime kilns and former windmill). There exists the slight possibility that these activities may have affected the application site with potentially contaminated material. Therefore I recommend that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Considerations

Policy and principle

Extensions to dwellings are acceptable in policy terms in the Green Belt under Policy CS5 of the Core Strategy.

Similarly, one of the exceptions to inappropriate development under paragraph 89 of the NPPF is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Impact on Green Belt

The main dwelling has been subject to extensions detailed above including the existing attached garage. The original dwelling is considered to comprise the main dwelling excluding the garage, as shown on the submitted existing floor plan. There were two single garages attached and located immediately south-east of the dwelling. Since the approved attached double garage (in 2009 and 2011, noted above), the dwelling frontage has remained unchanged (reduction of 0.04m).

The original dwelling floor area was approximately 145.95m² and following previously constructed development, the footprint and floor area of the dwelling has increased by 11.14m².

The proposed extensions would increase the footprint and floor space of the dwelling by a further 41.75m², which together with the previous garage additions amount to a floor area of approximately 52.89m².

In volume terms, it is noted there has been an increase as a result of the proposed replacement garages, the original garages which were fairly low profile buildings and the replacement attached garage continued the existing gable roof profile and ridge height. The proposal would add further volume not only in terms of building but the addition of a gable roof above part of the existing rear projection.

The silhouette of additions, both rear extensions, additions and the front porch, would be seen against the backdrop of the parent dwelling, particularly when viewed from the front and rear of the building.

The increases in floor area and volume must be balanced against the compact arrangement of extensions, particularly compared with the permitted development approval.

Although the Certificates of Lawful Development for rear extensions and outbuilding are extant, construction on these has not commenced and therefore are not included in the above floor area calculations.

When considering all the above factors, the development is not considered to result in disproportionate additions over and above the size of the original building, in accordance with the NPPF and Policy CS5 of the Core Strategy.

Impact on setting of listed buildings

The proposed development is acceptable with respect to the setting of listed buildings at Brambles (to the south), Windmill Cottage and Mill House Cottage (south-west, one property removed from the site) and Lavender Cottage (north-west, also one property removed). The extensions would be fairly small-scale, noting their single-storey form and siting (approximately 68m from the nearest listed building at Brambles) would not compromise the setting of the surrounding listed buildings.

The proposal is therefore in accordance with Policy CS27 of the Core Strategy and saved Policy 119 of the Local Plan.

Impact on appearance of street scene and Conservation Area

There would be no adverse effects noting the siting of the dwelling and extensions behind the curtilage and dwelling at Russett Hill and therefore located a considerable distance from the frontage of Dunny Lane (over 75m). The proposed extensions would not compromise the verdant and open character of the surrounding area or the historic qualities of the Chipperfield Conservation Area in accordance with Policies CS11, CS12 and CS27 of the Core Strategy.

If planning permission is granted it would be reasonable to attach a condition requiring bricks to match the existing and roof tiles subject to approval to accord with the above-referenced policies.

Impact on neighbouring properties

The proposed extensions would be single-storey in scale and sited over 25m from the nearest neighbouring properties at Russett Hill and The Thatch to the north-west and north-east, respectively. Given the single-storey scale of extensions and their limited projection beyond the existing building, the proposal would not result in any adverse impact on the residential amenity of neighbouring properties in terms of visual intrusion, loss of light or overlooking in accordance with Policy CS12 of the Core Strategy.

Impact on car parking

The car parking arrangements would be satisfactory in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable due to resulting in less than 100m² of additional floor space.

RECOMMENDATION

1. That the application be DELEGATED to the Head of Development Management with a view to approval subject to the expiry of the notification period.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Senior Manager, Development Management, following the expiry of the consultation period and no additional material considerations being raised, with a view to grant for the following reasons.

- 1 **The development hereby permitted shall be begun 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 bricks to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the surrounding area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013.

- 3 **No development shall take place until details of the roof materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013.

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

DL PA 03 C
DL PA 05 F

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

Article 35

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 proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) 2015.

Contaminated Land Informative:

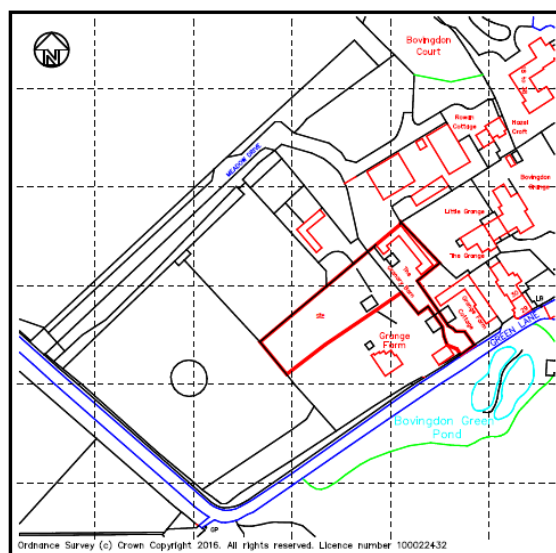
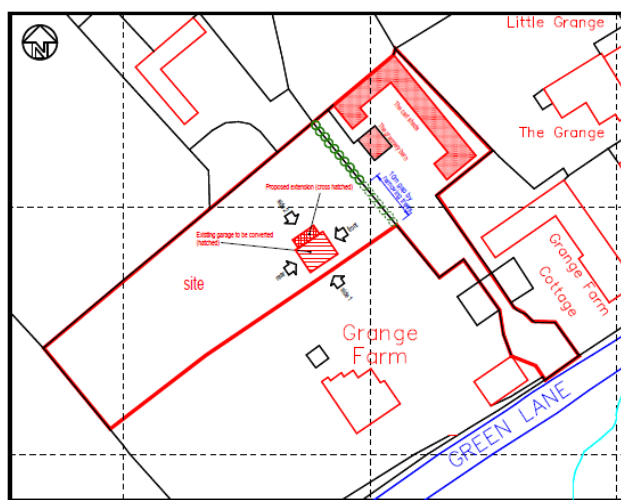
Historical maps show that the property is built within the vicinity of potentially contaminative land uses (former lime kilns and former windmill). There exists the slight possibility that these activities may have affected the application site with potentially contaminated material. Therefore it is recommended that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Agenda Item 5f

Item 5f

4/02567/16/FHA- CONVERSION AND EXTENSION OF EXISTING DOUBLE GARAGE TO HABITABLE ROOM SPACE AS ANNEXE ACCOMMODATION

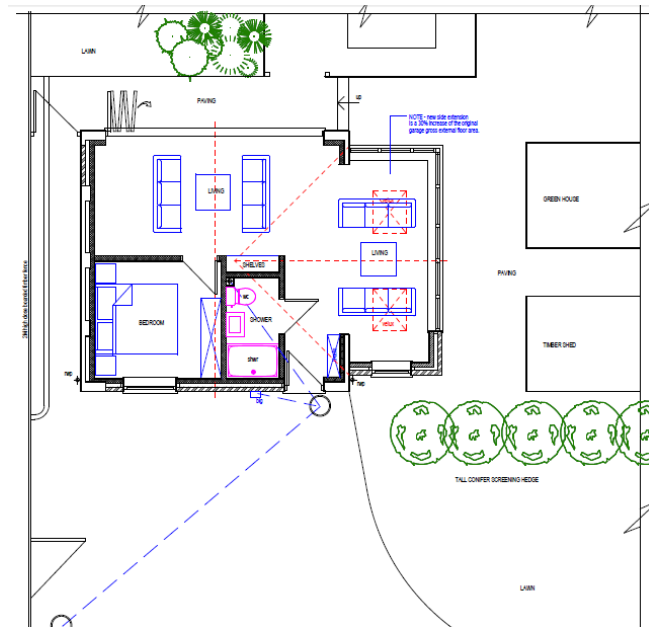
THE CART SHEDS, BOVINGDON GREEN, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LB



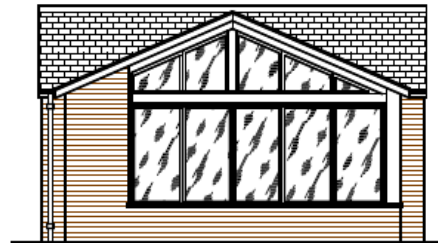
Item 5f

4/02567/16/FHA- CONVERSION AND EXTENSION OF EXISTING DOUBLE GARAGE TO HABITABLE ROOM SPACE AS ANNEXE ACCOMMODATION

THE CART SHEDS, BOVINGDON GREEN, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LB

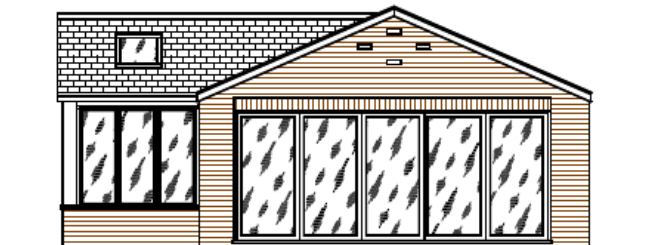


PROPOSED FRONT ELEVATION 1:50



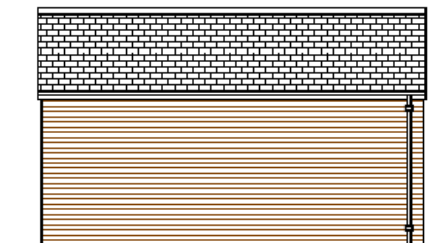
PROPOSED SIDE (2) ELEVATION 1:50

slates to match existing



facing bricks to match existing

PROPOSED REAR ELEVATION 1:50



PROPOSED SIDE (1) ELEVATION 1:50

**4/02567/16/FHA - CONVERSION AND EXTENSION OF EXISTING DOUBLE GARAGE TO HABITABLE ROOM SPACE AS ANNEXE ACCOMMODATION.
THE CART SHEDS, BOVINGDON GREEN, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LB.
APPLICANT: MRS STARKEY.**

[Case Officer - Intan Keen]

Summary

The application is recommended for approval.

The extension or alteration of a building in the Green Belt is appropriate in accordance with the NPPF. The proposed development would not represent disproportionate additions over and above the size of the original building and therefore would not compromise the openness of the Green Belt. The proposed dwelling would not have an adverse impact on the appearance of the Chipperfield Conservation Area, the street scene or wider countryside. The development would not have an adverse impact on the residential amenity of neighbouring properties. Car parking arrangements would be sufficient.

The proposal is therefore in accordance with the NPPF and Policies CS5, CS11, CS12 and CS27 of the Core Strategy.

Site Description

The application site comprises a detached converted barn and associated grounds, as well as a recently acquired parcel of land to the south-west of the main dwelling. The site is located on a backland plot accessed via a shared drive off the north-western side of Green Lane. The application site lies within the Green Belt forming part of a cluster of dwellings and farm buildings on the south-western edge of Bovingdon village, in a low density rural setting.

Proposal

Planning permission is sought for a single-storey extension to a detached garage measuring 2.17m wide and 5.2m deep. The extended garage would be converted for use as an annexe attached to the dwelling at The Cart Sheds.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Bovingdon Parish Council.

Planning History

The applicant has advised that historically the garage and land surrounding it formed part of the neighbouring property at The Grange. It is now within the same ownership as land known as The Cart Sheds.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development
CS5 - The Green Belt
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 22 and 58
Appendices 5 and 7

Summary of Representations

Neighbours

No formal representations received.

Bovingdon Parish Council

Objection

Inappropriate development in the Green Belt. More than 30% increase of original structure.

Considerations

Policy and Principle

Extensions to dwellings are acceptable in policy terms in the Green Belt under Policy CS5 of the Core Strategy.

Similarly, one of the exceptions to inappropriate development under paragraph 89 of the NPPF is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

With respect to the use of the resultant building as an annexe, its size and the site layout, particularly its location away from the main dwelling and with a separate curtilage to the building, gives rise to issues as to whether it could be used as a single dwelling. The outbuilding would be reliant on the parent dwelling with respect to kitchen facilities and access to the outbuilding would be through the area immediately surrounding the dwelling. If planning permission is granted, it would be reasonable to attach a condition requiring the outbuilding to remain ancillary to the dwelling at The Cart Sheds in the interests of safeguarding the Green Belt.

Impact on Green Belt

As noted above, this extension would be permitted under Policy CS5 subject to meeting criteria. Development should have no significant impact on the character and appearance of the countryside, and support the rural economy and maintenance of the wider countryside.

The proposed extension would not have a significant or adverse impact on the character and appearance of the countryside, noting its single-storey scale and subordinate form relative to the outbuilding.

Under paragraph 89 of the NPPF, the development only represents an exception to inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building.

The NPPF and Policy CS5 of the Core Strategy do not provide a measuring tool to determine whether an addition is disproportionate.

The proposed extension would elongate the footprint of the existing garage building, extending its width from 6.1m to 8.3m and would be set down slightly from the main ridge. In terms of bulk and mass the proposed addition would be acceptable, noting it would be contained within the front and rear extremities of the building and result in a fairly compact layout. The single-storey nature of the proposal together with its low-profile pitched roof would not have a significant impact on openness. On this basis, the proposed extension is considered proportionate to the original building.

It follows the development is not considered to result in disproportionate additions over and above the size of the original building, in accordance with the NPPF and Policy CS5 of the Core Strategy.

Impact on appearance of street scene

There would be no adverse effects noting the siting of extensions on the far side of the outbuilding relative to Green Lane. Therefore the proposed extensions would not compromise the verdant and open character of the surrounding area in accordance with Policies CS11 and CS12 of the Core Strategy.

If planning permission is granted it would be reasonable to attach a condition requiring matching materials to accord with the above-referenced policies.

Impact on neighbouring properties

The proposed extension would be single-storey in scale and would not directly face neighbouring properties at Grange Farm (to the east beyond the main dwelling), Grange Farm Cottage (to the south-east beyond the shared drive) or Grange Farm (to the south, on the far side of the outbuilding). Given the single-storey scale of the extension and their limited projection beyond the existing building, the proposal would not result in any adverse impact on the residential amenity of neighbouring properties in terms of visual intrusion, loss of light or overlooking in accordance with Policy CS12 of the Core Strategy.

Impact on car parking

The car parking arrangements would be satisfactory in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable due to resulting in less than 100m² of additional floor space.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The development hereby permitted shall be begun 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 resultant building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Cart Sheds, Green Lane, Bovington.**

Reason: To ensure that the detached outbuilding is not severed from the main dwelling to provide a self-contained dwelling unit which would be out of character with the area and would harm openness of the Green Belt contrary to the provisions of Policies CS5, CS11 and CS12 of the Dacorum Core Strategy 2013.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

2016-06-01 02 B

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

Article 35

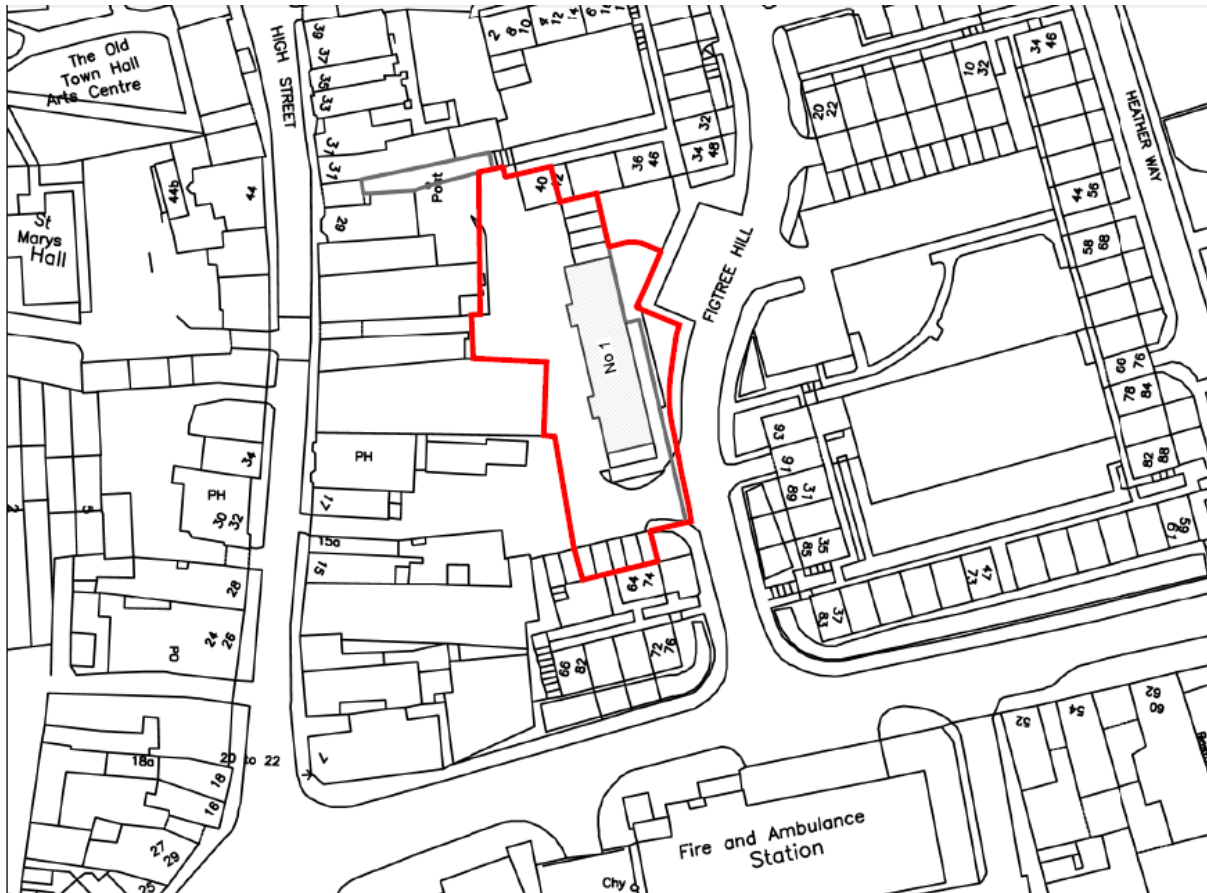
Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant which led to improvements to the scheme. The Council has therefore acted in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) 2015.

Agenda Item 5g

Item 5g

4/03266/16/ROC - VARIATION OF CONDITIONS 5 (HARD SURFACING MATERIALS - CHANGE OF AMENITY AREA TO CAR PARKING) AND 18 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00779/15/MFA (DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING.)

ABLE HOUSE, FIGTREE HILL, HEMEL HEMPSTEAD, HP2 5XH



4/03266/16/ROC - VARIATION OF CONDITIONS 5 (HARD SURFACING MATERIALS - CHANGE OF AMENITY AREA TO CAR PARKING) AND 18 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00779/15/MFA (DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING.)

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4/03266/16/ROC - VARIATION OF CONDITIONS 5 (HARD SURFACING MATERIALS - CHANGE OF AMENITY AREA TO CAR PARKING) AND 18 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00779/15/MFA (DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING.).
ABLE HOUSE, FIGTREE HILL, HEMEL HEMPSTEAD, HP2 5XH.
APPLICANT: DAVID BARRETT.

[Case Officer - Andrew Parrish]

Summary

The application is recommended for approval. The proposal would provide 14 affordable units for rent. Car parking would be substituted for amenity space. The proposal is considered acceptable in its design and layout; amenity provision and landscaping is still considered satisfactory; adequate parking and access is available; the proposal would comply with sustainability principles and would mitigate the impacts of the development through provision of contributions to highway infrastructure in the area.

Site Description

The application site is a cleared site, previously comprised of a vacant three storey, new town, 1960's office building within an irregularly shaped plot of 0.13ha located on the western side of Figtree Hill and to the rear of the High Street in the old town of Hemel Hempstead. There is a change in level across the Figtree Hill frontage of approximately 3 metres, the site sloping upwards from south-to-north. There is a more gentle downward change in levels from east-to-west.

The site is surrounded by residential properties (predominantly flats) to its north, east and south. The backs of properties along the High Street form the western boundary to the site, some of which have right of access through the site to their parking areas.

There are also two pedestrian rights of way through to the High Street.

The site falls within the town centre.

Proposal

In June 2015 planning permission was granted for demolition of existing office building, construction of 14 new flats in a four-storey building with associated car parking and landscaping (4/00779/15/MFA).

This current application seeks amendments to the approved scheme through section 73 of the Planning Act, wherein the condition listing the approved plans under Condition 18 is amended to list the updated plan numbers and formalise the amendments to the scheme, and minor changes to the wording of Condition 5 relating to details of the enclosure of the amenity area are made.

The amendments relate to the substitution of 3 parking spaces for the approved amenity area (net increase of 2 spaces) and the slight realignment of the building.

Referral to Committee

The application is referred to the Development Control Committee because the applicant is Dacorum Borough Council.

Planning History

4/00779/15/MFA DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING.

Granted
25/06/2015

4/00405/14/PRE CONSTRUCTION OF 15 DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING

Unknown
25/02/2015

4/00142/13/MO A DEMOLITION OF THE EXISTING OFFICE PREMISES AND CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING COMMERCIAL USE AT GROUND FLOOR (RETAIL OR OFFICES) WITH 3 FLOORS OF RESIDENTIAL DWELLINGS PROVIDING ELEVEN TWO BEDROOM FLATS.

Granted
03/05/2013

Policies

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS15 - Offices, Research, Industry, Storage and Distribution
CS17 - New Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS33 - Hemel Hempstead Urban Design Principles
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 19, 21, 37, 39, 51, 54, 58, 61, 62, 63, 100, 129
Appendices 1 (*updated through the sustainability checklist*), 3, 5 and 6

Supplementary Planning Guidance/Documents

Environmental Guidelines

Accessibility Zones for the Application of Car Parking Standards July 2002

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Planning Obligations SPD April 2011

Affordable Housing SPD 2013

Advice Notes

Sustainable Development Advice Note (Dec 2016)

Refuse Storage Guidance Note (Jan 2015)

Summary of Representations

Design Out Crime Officer

I am content with what is proposed.

Conservation and Design

Any comments received will be reported at the meeting

Highway Authority

Any comments received will be reported at the meeting

HCC Fire & Rescue

Any comments received will be reported at the meeting

Historic Environment Officer

Any comments received will be reported at the meeting

Trees and Woodlands

Any comments received will be reported at the meeting

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

29 High Street

We have the right of access and egress to the car park at the rear of our property from Figtree Hill over the car park at the rear of the new flats, formerly the yard to Able House.

We are concerned that planning application A15-108-GA-70 rev B does not tell the true facts regarding car park spaces 13 & 14. These are in fact below the existing flats and have walls to the front and side {admittedly shown dotted on the plan}. This reduces the useable area for turning, etc.

We cannot see that these two spaces and also space 12 can be sensibly used without coming over the site boundary onto our land.

Considerations

Key issues

The principle issue is whether the alternative layout with 3 parking spaces in lieu of the originally agreed private amenity space and realignment of the building to the west would be detrimental to the appearance and functioning of the scheme and residential amenities.

Condition 18 lists the approved plans.

It is now proposed to substitute these with amended plans showing the alternative layout.

Discussion

Reference should be made to the report on 4/00779/15/MFA which granted permission for the redevelopment of the site for 14 flats (see Appendix).

In considering 4/00779/15/MFA it was noted that Appendix 3 seeks private outdoor amenity provision equivalent to the floorspace of the proposal plus additional for each floor above 2 storeys. The proposal is three storeys and it was acknowledged that relatively little could be provided without reducing the footprint / increasing the height which would be likely to become either unviable or unacceptable in townscape terms. However, it was noted that a reasonable amount of private amenity space would be provided in the form of a small roof garden to the northern element of the building, together with a further small amenity area to the north of this at ground level. Furthermore, it was also noted that the design incorporated private balconies to all but the ground floor units and that these were welcomed as they both helped articulate the elevations whilst also providing essential private / semi-private amenity space for the occupants. It was concluded, on balance, that the amount of amenity space was acceptable given also the proximity of public parks.

It is now proposed to omit the ground level amenity space and to provide 3 parking spaces in lieu. This would amount to a net increase of 2 spaces overall because one space to the front of the amenity area would now be lost. The reason expressed is that the applicant would prefer the amenity space to be a hard landscaped parking area instead.

The amenity area extends to some 62 sq metres. The loss of private amenity space is disappointing particularly given that car parking provision at a ratio of 1 to 1 is in accordance with parking standards for this sustainable location in the town centre. However, given the roof garden and balconies to some of the flats, and the town centre location, the reduced provision is considered acceptable.

The amenity space was to be subject to details of its means of enclosure through Condition 5 to ensure an acceptable appearance and privacy. However, this requirement is no longer necessary in the absence of the amenity area.

The revised layout would continue to provide a good amount of general soft landscaping around the building which would help soften and integrate the development into the surroundings. Provision of soft landscaping would be slightly increased as a result of the realignment of the southern end of the block further to the west by approximately 1 m and the addition of a small island of planting within the car park to the rear.

In visual terms, the additional hardsurfacing for the 3 parking spaces would match the remaining car park with a brindle block pavior which would provide an appropriate appearance and setting to the street scene and pedestrian routes through to the adjacent High Street Conservation Area. Due to significant level differences, the car parking would not be visible from Figtree Hill.

With regards to access and turning provision, this would be largely as approved with the exception of the 2 additional parking spaces and the slightly more restricted turning space as a result of the realigned building. However, the 3 parking bays 15, 16 and 17, would have more than adequate turning provision. Highway comments are awaited with regards to the adequacy of turning provision for a refuse vehicle.

A neighbour has raised concerns regarding the adequacy of turning provision to the rear of spaces 13 and 14 which are contained within undercroft garages. However, given that these are existing garages being reused and the layout in this respect has not altered either from the approved scheme or the pre-existing layout, it is not considered that a refusal could be justified on this ground.

The proposed amendments would comply with Policies CS12, 13 and 27 and saved Policy 120.

Other matters

A deed of variation to the existing s106 agreement will be necessary to refer to the current application number.

The development has been implemented. Condition 1 is therefore not relevant anymore.

Conditions 2, 3, 4, 6, 10, 11 relating to materials, 1:20 details, levels, sustainability measures, waste and construction management plans have been discharged. Compliance conditions are recommended.

Condition 5 relates to landscaping details which have been part discharged in respect of hard landscaping but these details change under the current ROC. As the area of hard and soft landscaping has changed, but full details have been provided under the ROC, it is only necessary to accord with the current ROC details. Details have also been submitted in respect of means of screening the roof garden which are considered acceptable comprising 15 mm thick obscure toughened and laminated glass to the north elevation, and CCTV cameras, as required by the Police Crime Prevention Advisor. Although soft landscaping and various other aspects are the subject of a concurrent application which has yet to be discharged, details remain outstanding or unacceptable in respect of external lighting luminaires, landscaping to the roof garden, minor artefacts and structures (e.g. furniture, or other storage units, signs etc.). If the soft landscaping and other aspects are determined before determination of the current ROC application, a compliance condition would be recommended - otherwise an amended landscaping condition would be appropriate, as drafted.

Condition 7 relates to a post construction review of energy performance and remains relevant.

Condition 8 relates to sustainable surface water drainage which is the subject of a concurrent application wherein details confirm that the surface water discharge rate will be less than the current site. Details have however been submitted with the current ROC application and a compliance condition is recommended.

Condition 9 requires compliance with crime prevention measures and remains relevant.

Condition 12 requires compliance with parking and turning arrangements shown on plan and is relevant.

Condition 13 relates to an assessment of contamination which is the subject of a concurrent application. Until this is discharged a condition remains necessary.

Condition 14 relates to a remediation scheme which remains relevant.

Condition 15 relates to a validation report which remains relevant.

Condition 16 relates to additional contamination which remains relevant.

Condition 17 relates to obscure glazing which remains relevant

Condition 18 relates to the list of approved plans which should be updated to refer to the revised plans.

RECOMMENDATION

1. That the application be DELEGATED to the Group Manager - Development Management & Planning with a view to approval subject to the completion of a Deed of Variation to the existing planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of conditions below.

2. That the following Heads of Terms for the Deed of Variation, or such other terms as the Committee may determine, be agreed:

That reference is made to planning application 4/03266/16/ROC in the current s106 agreement relating to 4/00779/15/MFA.

Suggested Conditions

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The development shall be carried out in accordance with the materials approved under application reference 4/00586/16/DRC.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 2 **The development (with the exception of demolition) shall be carried out in accordance with the approved plans and elevations and in accordance with the details of windows, doors and openings, balconies, railings, balustrades and rainwater goods approved under application reference 4/00586/16/DRC.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS10, 11, 12 and 13 of the Dacorum Core Strategy (September 2013).

- 3 **The development shall be carried out in accordance with the slab, finished floor and ridge levels approved under application reference 4/00586/16/DRC.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 4 **The details of hard and soft landscaping shown on Drg. Nos. 11547.03 GD and A15-108-GA70 Rev B, finished levels and means of screening the roof garden shown on Drg. No. A15-108-GA70B and A15-108-PA20A & PA21A and external**

lighting and CCTV shown on Drg. No. A15-108-GA-60 Rev C shall be carried out prior to the first occupation of the development hereby permitted and the details shall thereafter be retained.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

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

- 5 Notwithstanding any details submitted, prior to the commencement of any landscaping, details of the following shall be submitted to and approved in writing by the local planning authority:**

- **external lighting luminaires;**
- **hard and soft landscaping of the roof garden, including seating;**
- **minor artefacts and structures (e.g. furniture, other storage units, signs etc.);**

The approved details shall be carried out prior to the first occupation of the development hereby permitted.

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

- 6 The development hereby permitted shall be carried out in accordance with the C-Plan Sustainability Statement and Section 7 (Sustainability and Environment Statement) of the Design and Access Statement approved under application reference 4/00779/15/MFA, and in accordance with the energy statement approved under application reference 4/00586/16/DRC. The measures identified in the statements shall be retained and adequately maintained at all times.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS29 and 31 and Para. 18.22 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Guidance.

- 7 Prior to first occupation of the development, a post construction review to formally demonstrate achievement of the energy performance target approved under Condition 6 shall be submitted to and approved in writing by the local planning authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS29 and 31 and Para. 18.22 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Guidance.

- 8 The development shall not be occupied until the details of sustainable surface water drainage shown on Drg. No. 16-001-DR1 Rev 9 and in Plane Infiltration**

System Design shall have been provided, and they shall thereafter be permanently retained.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS29 and 31 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Guidance.

- 9 **The development shall be carried out in accordance with the measures set down in Section 3.5 (Crime Prevention) of the Design and Access Statement approved under application reference 4/00779/15/MFA. The measures shall thereafter be retained and adequately maintained at all times.**

Reason: To ensure a secure and safe form of development for the residents in accordance with Best Practice and Secured by Design principles and Policy CS12 of the Dacorum Core Strategy (September 2013).

- 10 **The development shall be carried out in accordance with the details of site waste management plan (SWMP) approved under application reference 4/02639/15/DRC and 4/02051/16/DRC.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 11 **The development shall be carried out throughout the construction period in accordance with the details of Construction Management Plan approved under planning reference 4/02639/16/DRC.**

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 12 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, cycle parking, circulation, turning and access shown on Drawing No. A15-108-GA-70 Rev B shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure that adequate access and parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highways, and to encourage the use of sustainable modes of transport in accordance with saved Policy 51 and 58 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 13 **Notwithstanding any details submitted with the application, no development (with the exception of demolition) shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the local planning authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it shall include:**

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:
(a) human health;

- (b) property (existing or proposed) including buildings, crops, livestock,
- pets, woodland and service lines and pipes;
- (c) adjoining land;
- (d) groundwater and surface waters; and,
- (e) ecological systems.
- (f) archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 14 **No development (with the exception of demolition) shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, proposed preferred option(s), and a timetable of works and site management procedures. The scheme shall ensure that the site does not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation scheme shall be implemented in accordance with the approved timetable of works.**

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 offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 15 **Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the local planning authority for its written approval.**

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 offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 16 **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 7 days to the local planning authority and once the local**

planning authority has identified the part of the site affected by the unexpected contamination, development shall be halted on that part of the site. An assessment shall be undertaken in accordance with the requirements of Condition No 13, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority in accordance with the requirements of Condition No 14. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the local planning authority in accordance with Condition No 15.

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 offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 17 **The windows at first floor level in the north elevation of the development hereby permitted shall be non-opening and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Core Strategy

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

**11547.03 GD
16-001-DR1 Rev 9
A-15-108-GA-70 Rev B
A-15-108-GA-60 Rev C
A15-108-PA20A
A15-108-PA21A**

together with the following plans approved under 4/00779/15/MFA:

**14003/020
14003/021
14003/022
14003/023
14003/024
14003/026 Rev B
14003/027 Rev A
14003/028 Rev C
14003/029 Rev D
14003/033**

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the pre-application

and determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES:

The development hereby permitted is an amendment to the permission granted under planning permission 4/00779/15/MFA.

Thames Water

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk

Water Comments

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

Affinity Water

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

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

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

APPEALS UPDATE

A. LODGED

- 4/00561/16/FHA Mr & Mrs Pritchard
SINGLE STOREY REAR EXTENSION, REPLACEMENT WINDOWS AND
INTERNAL ALTERATIONS
- OCTOBER COTTAGE, ROMAN ROAD, NETTLEDEN, HEMEL HEMPSTEAD,
HP1 3DQ
[View online application](#)
- 4/00562/16/LBC Mr & Mrs Pritchard
SINGLE STOREY REAR EXTENSION, REPLACEMENT WINDOWS AND
INTERNAL ALTERATIONS
- OCTOBER COTTAGE, ROMAN ROAD, NETTLEDEN, HEMEL HEMPSTEAD,
HP1 3DQ
[View online application](#)
- 4/02048/16/MOA E. J. WATERHOUSE AND SONS
PROPOSED DEVELOPMENT OF 12 SEMI-DETACHED HOUSES AND
REUSE OF APPROVED ACCESS ROAD
89 SUNNYHILL ROAD, HEMEL HEMPSTEAD, HP1 1TA
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

- 4/02187/15/FUL CASH
CHANGE OF USE OF LAND TO A RESIDENTIAL CARAVAN SITE FOR 8
GYPSY FAMILIES - EACH WITH TWO CARAVANS WITH CONSTRUCTION
OF A UTILITY BUILDING AND ASSOCIATED HARD STANDING.
LAND WEST OF THE BOBSLEIGH HOTEL, HEMPSTEAD ROAD,
BOVINGDON, HEMEL HEMPSTEAD, HP3
[View online application](#)
- 4/02222/16/ENA RUSS
CHANGE OF USE FROM ANCILLARY PARKING TO CAR SALES / CAR
WASH.
LAND OPPOSITE 127 HEMPSTEAD ROAD, WD4 8AL
[View online application](#)

D. FORTHCOMING HEARINGS

None

E. DISMISSED

None

F. ALLOWED

None



Report for:	Development Control Committee
Date of meeting:	12th January 2017
PART:	I
If Part II, reason:	

Title of report:	Planning Code of Practice
Contact:	Mark Brookes (Solicitor to the Council and Monitoring Officer) Directline: 01442 228236, internal extension: 2226 Mark.brookes@dacorum.gov.uk
Purpose of report:	(1) To seek Development Control Committee approval to the revised Planning Code of Practice
Recommendation	(1) That the Development Control Committee consider the revised Planning Code of Practice for adoption by Council.
Corporate objectives:	The promotion and maintenance of high standards of conduct by Members of the Council will assist the Council in achieving its priorities of performance excellence and reputation and profile delivery. The Committee will also ensure that Members are accountable to the public for their actions and ensure that Members work within and comply with the Code of Conduct for Members.
Implications: 'Value For Money Implications'	There are financial and efficiency costs to the Council in having to deal with complaints made under the Code of Conduct. There are, therefore, value for money benefits to the Council in striving to ensure that complaints against Members are minimised as far as possible and any complaints that are received are dealt with as cost effectively as possible.

Risk Implications	The risk to the Council in not having in place a robust local standards regime could mean that Members do not perform their role in the best interests of the public which could damage the Council's reputation for good governance and undermine public confidence in the Council as a whole.
Monitoring Officer	This is a report prepared by the Solicitor to the Council in his capacity as Monitoring Officer.
Consultees:	Senior Planning Officers have been consulted on the amendment to the Planning Code of Practice
Background papers:	Code of Conduct For Members Code of Conduct for Employees

Planning Code of Practice

1. The Planning Code of Practice was last adopted on 27th February 2008. It is therefore appropriate that the Code of Practice should be reconsidered and updated as many of its provisions are out of date and do not reflect current legislation or working practices.
2. Members will find annexed to this report a proposed revised Code of Practice which shows changes proposed by the Solicitor to the Council in red tracked changes.
3. The Legal Governance Team Leader and Deputy Monitoring Officer (Christopher Gaunt) will lead a discussion on the proposed amendments and Members are requested to read the Code of Practice in advance of the meeting and suggest any further amendments for consideration.
4. The revised Code of Practice was considered by the Standards Committee on 8 December 2016. Various amendments proposed by that Committee have been incorporated into the current draft.
5. Following consideration at Development Control Committee the Planning Code of Practice will be going to Council for final consideration and adoption.

PLANNING CODE OF PRACTICE

(Adopted by the Council 27 February 2008)

(reviewed November 2016)

1. Purpose of this Code

1.1 The main objectives of this Code are to guide Members, (and in what follows, Councillors will for the most part be referred to as "Members"), and Officers of the Council in dealing with planning-related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is, in addition to the Code of Conduct for Members, adopted by the Council under the provisions of the Local Government Act 2000. The purpose of the Code is to provide more detailed guidance on the standards to be applied specifically in relation to planning matters and to ensure that Officers carry out their responsibilities professionally and Members of the Development Control Committee are, and are perceived as being, impartial and accountable.

1.2 This review takes into account the Seven Principles of Public Life (the 'Nolan principles') and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also the standards arrangements introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013.

1.3 Reference will need to be made to other parts of the Council's Constitution, as appropriate, as it is not the purpose of this Code to duplicate extensively provisions in the Code of Conduct for Members, Code of Conduct for Employees, Protocol for Member/Officer Relations, Scheme of Delegation to Officers and Rules of Public Participation.

1.4 Relationship to the Members' Code of Conduct

1.4.1 Members should apply the rules in the Members' Code of Conduct first, which must always be complied with. This is both the rules on personal and prejudicial interests, Disclosable Pecuniary Interests and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

1.4.2 Members should then apply the rules in this Planning Code of Practice, which seek to explain and supplement the Members'

Code of Conduct and the law on decision-making for the purposes of planning control. If you do not abide by this Planning Code of Practice, you may:

1.4.3.1 Risk the council being challenged in the law courts on the legality of the related decision or maladministration; and

1.4.3.2 Put yourself at risk of a complaint being made to the Monitoring Officer/Standards Committee for breach of the Code of Conduct for Members, or a complaint being made to the police to consider criminal proceedings in relation to failure to disclose a Disclosable Pecuniary Interest.

2. The Rôle of Officers

2.1 In reporting to Committee on non-delegated applications, Officers shall:

2.1.1 provide professional and impartial advice;

2.1.2 make sure that all information necessary for a decision to be made is given;

2.1.3 set the application in the context of the Development Plan and all other material planning considerations;

2.1.4 include the substance of objections and the views of people who have been consulted;

2.1.5 provide a clear and accurate written analysis of the issues;

2.1.6 give a clear recommendation.

2.2 In making delegated decisions on applications, Officers shall:

2.2.1 act fairly and openly;

2.2.2 approach each application with an open mind;

2.2.3 carefully weigh up all the material planning considerations;

2.2.4 determine each application on its own merits in accordance with the provisions of the Development Plan and other material planning considerations;

2.2.5 ensure that the relevant report demonstrates that all the above requirements have been fulfilled;

2.2.6 state valid reasons for decisions.

- 2.3 The Council endorses the Royal Town Planning Institute Code of Professional Conduct, particularly the provision that Chartered Town Planners shall not make, nor subscribe to, any statement or report which is contrary to their own professional opinions. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.
- 2.4 Subject to the rules for employees undertaking work for third parties, if an Officer who deals with any aspect of planning work has, or has had, any involvement with an Applicant, Agent or Interested Party on a personal basis, the Officer shall take no part in any work connected with the Applicant, Agent or Interested Party concerned.
- 2.5 Officers are also bound by rules relating to offers of gifts and hospitality contained in the Code of Conduct for Employees.

3. Discussions with Applicants/Representatives and Presentations

- 3.1 Local Authorities are encouraged by ~~the Audit Commission~~, the Local Government Association and the National Planning Forum to enter into pre-application discussions with potential Applicants. In addition, negotiations and discussions are likely to be ongoing after an application has been submitted. Such discussions can often be interpreted by the public, and especially by objectors, as prejudicing the planning decision-making process. In order to ensure transparency and propriety, pre-application discussions shall normally be conducted between an Officer and a prospective Applicant without any Member being present, and in accordance with the following strictures:-
- 3.1.1 The Officer shall make it clear that the advice and discussions will not bind the Council and that any view expressed is ~~personal~~ and provisional, on the basis that at that stage no formal consultation will have taken place in respect of the application;
- 3.1.2 The Officer shall give advice in a reasoned and impartial way based on the Development Plan and other material planning considerations;
- 3.1.3 The Officer shall indicate whether or not s/he will make the decision if an application is submitted;
- 3.1.4 The Officer shall make notes of any meeting and/or substantive telephone calls and keep them on file;

3.1.5 The Officer shall file any documentation supplied by the prospective Applicant.

3.2 Pre-Application discussions involving members

3.2.1 The Assistant Director (Planning, Development and Regeneration) or the Group Manager (Development Management and Planning), in consultation with Member Support and the Chair or Vice Chair of Development Control Committee, will determine which applications will be considered suitable for pre-application discussions involving Members.

3.2.2 As a guide applications which have one or more of the following characteristics will be considered suitable:

- 50+ dwellings or more
- 10,000 sqm of industrial, commercial or retail floor space
- Wider corporate involvement by, or significance to, the Council
- Development of strategic significance e.g. wider regeneration benefits or transport infrastructure

3.2.3 These criteria could be reduced for development in villages, neighbourhoods or the rural area for 'locally significant or controversial' schemes, such as small housing development (under 50 dwellings) or a wind farm. Or in instances where the Group Manager (Development Management and Planning) or Chair/Vice Chair of the Development Control Committee consider a pre-application discussion to be useful on a site.

3.2.4 All ward Members will be invited, along with the Development Control Committee, in addition to the officers of the Development Management and Planning team. A minimum of 7 days' notice will be given to all Members. The agreement of the applicant/developer will always be sought.

3.2.5 The meeting will be conducted as follows:

- The meeting will be chaired by a senior Officer such as the Assistant Director (Planning, Development and Regeneration) the Group Manager (Development Management and Planning) or Team Leader (Development Management) who will introduce the purpose of the meeting and advise how it will be conducted.
- Officers will confirm that the discussions will not bind the Council

to make a particular decision and that views/opinions expressed are made 'without prejudice' to the future consideration of any application.

- Members will be advised as to the confidentiality status of the proposal.
- The developer will present their proposal (which will first have been viewed and approved by the relevant Officer(s)).
- The Officers will be given the opportunity to provide comments.
- Members will then be given the opportunity to ask questions and seek clarification, but care will need to be taken that personal views are not expressed.
- The chair of the meeting will summarise the key points and close the meeting.

3.2.6 Once the developer has left the meeting Members may advise Officers of any concern they have with the proposal and any elements they feel would benefit from negotiation. They will be guided by Officers on the scope of negotiation in accordance with Local Plan policy and other material considerations. Negotiations will be undertaken by Officers only.

3.2.7 The Case Officer will record the meeting and co-ordinate a minute of the meeting and/or formal pre-app response for the developer normally within 14 days. Members will receive a draft copy of the response in advance for any suggested amendments.

3.2.8 The note of the meeting and letter will be placed on the file at the earliest possible opportunity (taking account of the need for commercial confidentiality). The involvement of Members will be recorded in any subsequent Committee Report.

3.2.9 Members shall only attend meetings organised in accordance with this protocol and shall not attend or arrange private meetings with Developers.

3.2.10 Members are at the meeting to learn about the proposals and process, to help identify issues to be dealt with by further submission and negotiation, but not express any initial view for or against the proposal which may pre-determine their position to the extent that they will not be able to vote on the application should they be a Member of the Development Control Committee. Members may alert the applicant/developer to what

they perceive as the likely (or actual) views of their constituents but should be careful not to fetter their discretion.

3.2.11 Members should be aware of the confidentiality status of the proposal and to have regard to this in conducting further discussions with others, including constituents and other Members.

3.2.12 Members should avoid giving separate advice on the development plan or material considerations, as all the issues and relevant information may not be available at this early stage. Any advice should be given by Officers only.

3.2.13 Members should not be drawn into any negotiations. This should be done by Officers only.

3.2.14 Members attending pre-application meetings shall have undertaken such training as is felt appropriate in consultation with the Assistant Director (Planning, Development and Regeneration) or the Group Manager (Development Management and Planning)

3.32 In an exceptional case it may be appropriate for Members to receive a special presentation on a particular planning proposal or wider planning issues. It shall be made clear at the outset that no Member present whose rôle in the Council's decision-making structure is such that he or she would potentially be liable to make a decision subsequently on the proposal or issues concerned will offer any view or comment: such Member will be limited to asking questions of clarification. Subject to the relevant provisions of 8. below, other Members will be at liberty to express opinions as they will not be potentially liable to make any decision subsequently. An Officer shall be present at the presentation and shall make notes detailing Members' views, comments and questions and keep such notes on file. Those present at the meeting should be advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

4. Exclusions from the Scheme of Delegation to Officers

- 4.1 Decisions relating to certain proposals for development by the Council, or affecting land or buildings in which the Council has an interest, or relating to certain proposals submitted by or on behalf of Members or Officers, are required to be reported to the Development Control Committee. Such proposals shall be subjected to the same rigorous examination as proposals submitted by other parties.

5. The Rôle of Councillors

- 5.1 In making decisions on planning matters, Members shall:
- 5.1.1 act fairly, openly and impartially;
 - 5.1.2 avoid inappropriate contact with interested parties;
 - 5.1.3 approach each application with an open mind;
 - 5.1.4 carefully weigh up all the material planning considerations;
 - 5.1.5 determine each application on its own merits in accordance with the provisions of the Development Plan and other material planning considerations;
 - 5.1.6 demonstrate sound judgement and ensure that valid, evidenced and justifiable reasons for decisions are clearly stated;
 - 5.1.7 vote as they consider appropriate and not along party lines.
- 5.2 Members shall refrain from personal abuse and bullying and party political considerations shall play no part in their deliberations. Members shall at all times be respectful to the Chairman of the Committee and to each other and to Officers and members of the public including Applicants, Agents, Objectors and Members of other Councils.
- 5.3 Members shall not give instructions to Officers nor place any pressure on Officers in order to influence the terms of a report and/or secure a particular recommendation on any planning matter.
- 5.4 Members shall ensure that all correspondence (including emails) with Officers, Applicants and Objectors are written using language which is professional and respectful. Members are reminded that all

correspondence is potentially disclosable to the public pursuant to a freedom of information request.

- 5.5 If any Officer has grounds to consider that pressure is being exerted upon him or her by any Member in relation to any particular planning matter, he or she shall forthwith notify the Monitoring Officer and the Assistant Director (Planning, Development and Regeneration) of the details of such matter and the Member's conduct.
- 5.65 Any criticism by any Member of any Officer in relation to the handling of any planning matter shall be made to the Assistant Director (Planning, Development and Regeneration) and shall not be raised in public.
- 5.7- Members shall not use, or attempt to use, their position improperly to the advantage or disadvantage of themselves or anyone else.
- 5.8 Members of Development Control Committee shall not meet prior to the meeting to discuss the planning merits of any application relevant to the items on the agenda save as organised by officers and then only in the presence of a senior Officer such as the Assistant Director (Planning, Development and Regeneration) the Group Manager (Development Management and Planning) or Team Leader (Development Management)

6. Lobbying

- 6.1 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the planning committee. As the Nolan Committee's 1997 report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves". Lobbying, however, can lead to the impartiality and integrity of a councillor being called into question, unless care and common sense is exercised by all the parties involved.
- 6.2 It remains good practice that, when being lobbied, councillors (members of the development control committee in particular) should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the relevant evidence and arguments.
- 6.3 ~~Lobbying can, unless care is exercised, lead to the impartiality and integrity of a Member being called into question. In its document "Probity in Planning" the Local Government Association stated "Councillors and members of the planning committee in particular,~~

~~need to take account of the general public's (and the Ombudsman's) expectation that a Planning applications~~ will be processed and determined in a transparently open and fair manner, in which ~~Members~~ taking the decision will take account of all the evidence presented before arriving at a decision. Members need to be mindful that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality.

6.4 To avoid compromising their position before receiving all the relevant information and hearing all the relevant evidence and arguments, Members shall:

6.4.1 not ~~make it known~~determine in advance of the consideration of the application by Committee whether they support or oppose a proposal unless they accept that this will mean that they may not take part in the decision (see paragraph 8 below);

6.4.2 restrict themselves to giving procedural advice, such as advising lobbyists to write to the relevant case officer ~~p- Development Control Manager~~ and/or avail themselves of the public participation process;

6.4.3 explain they will only be in a position to make a final decision after having received all the relevant information and having heard all the relevant evidence and arguments at the Committee meeting itself;

6.4.4 advise the Monitoring Officer promptly of the existence of any ~~undue or excessive~~ lobbying activities~~iesy~~ or approaches which are felt by the Member to be undue or excessive (including any offer of a gift or hospitality)- who will in turn advise the appropriate officers to follow the matter up.

6.4.5 explain to those lobbying or attempting to lobby that, whilst they can listen to what is said, it may subsequently prejudice their impartiality, and therefore their ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or confirm a clear point of view.

6.4.6 not accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.

6.4.7 copy or pass on any lobbying correspondence you receive to the Group Manager (Development Management) at the earliest opportunity, including any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

6.5 Lobbying by Councillors:

6.5.1 Members shall not become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.

6.5.2 Members may join general interest groups which reflect their areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.

6.5.3 Member shall not lobby fellow councillors regarding their concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

6.5.4 Members shall not decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Material Submitted to Members by Applicants and Others

7.1 If a Member receives information or material from or on behalf of any party in connection with any planning matter s/he must establish with the Planning Officers whether the information or material has **also** been received by them. If it has not, the Member shall make it available as soon as possible to the Group Manager (Development Management)

7.2 Members shall otherwise report to the Group Manager (Development Management) any significant contact with the applicant and other parties, explaining the nature and purpose of the contact and their

involvement in them, and ensure that this is recorded on the planning file.

8. Committee Meetings

When approaching a decision Members shall be mindful that the Principle of Integrity is defined in terms that:

“Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships”.

8.1 Declaration of Interests

8.1.1 The responsibility for declaring an interest lies with the individual Member.

8.1.2 Members of the Development Control Committee shall declare disclosable pecuniary interests and personal and prejudicial interests in planning matters in accordance with the Members' Code of Conduct.

8.1.3 Where a personal interest arises because a Member is a member of, or is in a position of control or management in, a body to which s/he was appointed or nominated by the Council or which exercises functions of a public nature, s/he need only declare the personal interest if and when s/he addresses the Committee on that item (unless s/he also has a prejudicial interest).

8.1.4 A Member with a disclosable pecuniary interest or a prejudicial interest shall declare it and move to the public seating area ~~leave the room unless s/he wishes to make representations~~. Provided the Member has registered to make representations under the rules applicable to public participation, the Member shall be entitled to take a seat in the place set aside for public participation and shall then follow the rules for such participation. ~~The Member shall leave the room immediately after speaking and shall not stay and observe any remaining public participation and/or any part of any subsequent debate or vote.~~

8.1.5 In addition, a Member shall not seek improperly to influence a decision in which s/he has a disclosable pecuniary interest or a prejudicial interest.

8.1.6 If a Member has a disclosable pecuniary interest or a prejudicial interest in a planning matter which would normally be dealt with by Officers under the Scheme of Delegation, s/he shall not request that the matter be referred to the Committee for consideration.

8.1.7 Members who have business or other interests which may bring them into contact with the Council's planning system on a regular basis should not be considered for membership of the Development Control Committee.

8.2 Predisposition, Predetermination and Bias.

8.2.1 A Member is entitled to be predisposed about a particular matter. Predisposition is where a Member holds what may be termed a preliminary, or provisional, view and may have expressed such view publicly and, indeed, been elected upon the strength of it. Such comments have an added measure of protection under the Localism Act 2011. The critical point is that the Development Control Committee Member must have an open mind in relation to all the relevant information, evidence and arguments when participating in the decision-making process and be prepared to reconsider their position in the light of all the relevant information, evidence and arguments.

8.2.2 If a Development Control Committee Member is not prepared to be open-minded and to consider all the relevant information, evidence and arguments relating to a particular matter, or in any way gives the *appearance* of having decided in advance what stance to take at the meeting, that Member may be considered to have predetermined the matter or to be biased in relation to it. If that Member then participates in the decision-making process the Committee's decision may be ruled as invalid.

8.2.3 If a Member of the Committee has compromised his or her position by expressing views which indicate that he or she has already made up his or her mind on an issue before receiving all the relevant information and hearing all the relevant evidence and arguments, that Member shall make a declaration to that effect and take no part in the discussion, voting or decision. In such a case, ~~for example where a Committee Member represents a Ward affected by a controversial application,~~ the Member may speak as a member of the public or, where the Member represents the Ward affected, as Ward Member, subject to compliance with the public participation rules.

- 8.3 Any Member in any doubt about the declaration of interests or predetermination should seek the advice of the Council's Monitoring Officer or Deputy Monitoring Officer.

8.4 Members shall:

- 8.4.1 come to their decision only after due consideration of all of the information reasonably required upon which to base a decision. If they feel there is insufficient time to digest new information or that there is simply insufficient information before them, request that further information. If necessary, defer or refuse.
- 8.4.2 not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officer's introduction to the matter.
- 8.4.3 not allow members of the public to communicate with them during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- 8.4.4 ensure that they comply with the Council's procedures in respect of public speaking.

9. Development Control Committee Members who serve on Parish and Town Councils

- 9.1 Some Borough Councillors will also be Members of Parish or Town Councils. This situation can present problems where the Parish or Town Council is consulted on planning applications. This is often the stage when Borough Councillors come under pressure to indicate their support or objection in respect of a particular proposal. Of particular concern is the potential for a conflict of interest arising when a Member of both Councils votes on an application at a Parish or Town meeting prior to the relevant Borough Development Control Committee meeting. It would be quite conceivable that a Councillor in this position could end up voting in a different way when all the relevant information, evidence and arguments are made available at the Borough Committee meeting.
- 9.2 In order to avoid any potential conflict, it would be preferable for Borough Councillors not to serve on a Parish or Town Council's Planning Committee. If they cannot avoid that, and if they wish to participate in the Borough Committee's deliberations, they shall not

vote or say anything which would create the impression that they have already made up their minds prior to the relevant Borough Committee meeting. In this way they will avoid being part of the formal process of submitting representations on planning applications to the Borough Council and so demonstrate their impartiality. To avoid any challenge, those Members who have expressed a definite view on an application and/or have voted shall act as indicated under 8. above.

10. Formal Site Visits

- 10.1 Formal site visits can be helpful in identifying features of a proposal which may be difficult to convey in a written report. Site visits may ~~do~~ delay the decision on an application but, where there is a clearly identified benefit from holding one, they will be authorised by the Development Control Committee. The reason why a formal site visit was authorised will be recorded in the minutes.
- 10.2 Where a formal site visit is held, all Members of the Development Control Committee will be invited to attend. The local Member, if not serving on the Development Control Committee, will also be invited to attend. The relevant Town or Parish Council will be notified of any formal site visit and invited to send a representative. At least one Officer will be present at all formal site visits to conduct the proceedings and a record will be kept of attendance.
- 10.3 All those who attend a formal site visit do so on the understanding that such visits:
 - 10.3.1 are fact finding exercises;
 - 10.3.2 are not part of the formal consideration of an application and public rights of attendance and participation do not apply;
 - 10.3.3 enable Officers to point out relevant features;
 - 10.3.4 enable questions to be asked for clarification;
 - 10.3.4 No discussion of the merits of an application shall take place on site and no lobbying/objection shall be permitted;
 - 10.3.5 No opinions or views should be expressed as to the merits or demerits of the application.
- 10.4 Any Member wishing to see any particular site on an individual, informal basis prior to a Committee meeting shall have due regard to the other provisions of this Code, for example paragraphs 5., 6. and 8.

and such Member should seek to view the site from a public vantage point in the first instance.

10.5 Members should not enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias, unless:

10.5.1 they feel it is essential to visit the site other than through attending the official site visit;

10.5.2 they have first spoken to the Group Manager (Development Management) about their intention to do so and why (which will be recorded on the file) and;

10.5.3 they can ensure they will comply with these good practice rules on site visits.

10.6 Members should ensure that they report back to the Committee any information gained from the site visit that they feel would benefit all Members of the Committee.

11. Decisions Contrary to Officer Recommendations

11.1 There will be occasions when the Committee disagrees with the professional advice given by Officers. In such cases reasons shall be given for overturning Officer recommendations and, in the case of approval of a planning application recommended for refusal, the conditions to be imposed shall be specified.

11.2 When making a decision contrary to Officer recommendations, the reasons given by Members must engage with the recommendations and reasons of the Officer and explain the reasons for departure from those recommendations.

11.3 Members must be mindful that they are only entitled to take account of material planning considerations and must disregard considerations irrelevant to the question and legal context at hand and are to come to a decision after giving what they feel is the right weight to those material planning considerations.

11.4 Members shall make sure that if they are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that they clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded and must be supported by objective analysis and substantive evidence.

11.5 Members shall be aware that they are likely to have to justify any decision by giving evidence at a planning inquiry, appeal or other forum in the event of any challenge.

12. Training

12.1 Members of Development Control Committee shall undergo induction training and attend refresher training at regular intervals thereafter. Failure by a Member to attend formal induction training will disqualify that Member from sitting on the Committee. Failure to attend formal refresher training may result in a recommendation to full Council for the removal of a Member or Members from Development Control Committee. The Group Manager (Development Management), in consultation with the Chairman of Development Control Committee, shall formally review Members' training needs and monitor whether all training requirements have been met on an annual basis.

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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