

4/02911/17/FUL	DEMOLITION AND REMOVAL OF EXISTING PORTA CABIN/SITE OFFICE AND TWO STEEL CONTAINERS. CONSTRUCTION OF NEW SITE SECURITY OFFICE AND SECURITY FENCE ALONG SOUTHERN BOUNDARY
Site Address	BOVINGDON MARKET, BOVINGDON AIRFIELD, CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NP
Applicant	W.J & M MASH LTD, C/O AGENT
Case Officer	Joan Reid
Referral to Committee	Bovingdon Parish Council have objected

1. Recommendation

1.1 That planning permission be **GRANTED**.

2. Summary

2.1 The proposals constitute inappropriate development in the Green Belt, however the very special circumstances outweigh the harm to the openness of the Green Belt and are considered acceptable. There would be a benefit to the site by removing the existing porta cabins and buildings and any visual harm of the fence would be mitigated by additional planting. The permission is for a temporary period and is considered acceptable for approval subject to conditions.

3. Site Description

3.1 The application site comprises part of a former RAF runway built in WWII that runs east-west across Bovingdon Airfield, as well as a grass overshoot area attached to the west of the runway and a concrete taxiway that curves in a northern direction towards Berry Farm, a farmhouse. The concrete runway, known as 08/26, is approximately 650 metres long and 45 metres wide.

3.2 To the west of the site is the small village of Whelpley Hill (together with Whelpley Hill caravan park). Bovingdon Airfield was closed by the RAF in 1979 and since then the ownership has been divided up and passed through various private ownerships, while HM Prison The Mount has been built on the eastern portion of the airfield, with the large village of Bovingdon immediately to the east of the prison. The runway has been used for the years for various uses including a Saturday market, temporary filming and car racing.

4. Proposal

4.1 Planning permission is sought for erection of a perimeter fence and erection of a reception/site security building. Amendments to the proposals have been made for both the building itself and the fence as below:

4.2 The proposed building has been amended from a larger more modern building to a smaller wooden building. Existing Porta Cabins are to be removed. The proposed fencing has been amended from a palisade fence to a open mesh fence measuring approximately 1.8m in height. The fence is to run along the southern boundary on Chesham Road.

5. Relevant Planning History

4/00392/18/FPA PRIOR NOTIFICATION OF THE TEMPORARY USE OF LAND FOR FILM MAKING PURPOSES UNDER CLASS E, PART 4, SCHEDULE 2 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015. USE OF LAND FOR CONSTRUCTION OF STAGE SET AND ASSOCIATED PARKING FROM

04/04/2017 - 04/01/2018.
Prior approval not required
06/04/2018

4/02839/17/FUL CHANGE OF USE FROM FARM SHOP TO CAFE
Granted
29/12/2017

4/02840/17/FUL TEMPORARY PLANNING PERMISSION FOR USE OF LAND FOR FILM-
MAKING FOR 3 YEAR PERIOD TO INCLUDE USE OF HARDSTANDING
FOR STATIONING OF SUPPORT SERVICES, ASSOCIATED STORAGE
AND PARKING. USE OF FORMER CONTROL TOWER AS ANCILLARY
OFFICE SPACE
Granted
28/12/2017

4/01678/17/FUL TEMPORARY PLANNING PERMISSION FOR USE OF LAND FOR FILM-
MAKING FOR 13 WEEKS TO INCLUDE ERECTION OF STAGE
STRUCTURE AND USE OF HARD STANDING FOR STATIONING OF
SUPPORT SERVICES, AND PARKING
Granted
13/09/2017

4/01559/17/FUL TEMPORARY PLANNING PERMISSION FOR USE OF LAND FOR FILM-
MAKING FOR 28 WEEKS TO INCLUDE ERECTION OF STUDIOS AND
USE OF HARD STANDING FOR STATIONING OF SUPPORT
SERVICES AND STORAGE
Granted
23/08/2017

6. Policies

6.1 National Policy Guidance

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

6.2 Adopted Core Strategy

NP1, CS1, CS5, CS8

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 13, 58, 99

6.4 Supplementary Planning Guidance / Documents [include only those relevant to case]

- Environmental Guidelines (May 2004)

7. Constraints

- NATS any dev AGL

- GREEN BELT

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix 1

Neighbour notification/site notice responses

8.2 No comments received

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Green Belt
- Impact on Highway Safety
- Other

Policy and Principle

9.2 The application site is situated within the Green Belt. As such, the principles and requirements of Policy CS5 establish the acceptable development types within the remaining areas of designated Green Belt land.

9.3 Policy CS5 of the Core Strategy states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. Within the Green Belt, small-scale development will be permitted i.e. building for the uses defined as appropriate in national policy provided that they have no significant impact on the character and appearance of the countryside and support the rural economy and maintenance of the wider countryside.

9.4 The airfield comprises previously developed land in the Green Belt and paragraph 89 of the NPPF allows for limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'.

9.5 Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

9.6 If it is considered that the development does not fit within the exceptions and would result in harm to the openness of the Green Belt, the principle will only be acceptable should such very special circumstances to justify the development within the Green Belt are in evidence.

9.7 The scheme proposes the removal and demolition of the existing portable buildings on site, to be replaced with an entrance/security building associated with the on-going filming and other activities on the site. This use for filming has mainly been established under permitted

development rights for filming under the General Permitted Development Order however planning permission has been granted for other filming on the site also including 'Dancing on Ice' which was filmed there in Winter and Spring this year. The porta cabins/structures on the site were associated with a previous use of the site as a builders yard, this use has now ceased but the porta-cabins and containers remained on site. No further enforcement action was taken and these structures have been on site for more than 10 years.

9.8 The applicants indicate that the proposed building would replace these buildings however in principle, it isn't considered that the proposal would be appropriate development permissible under paragraph 89 of the NPPF as these porta Cabins are not permanent buildings. The proposed building is considered to be small scale (measuring 7.5m by 7.5m) and required to provide a security building/reception associated with the various lawful uses on the site. However, it is considered that it does constitute a permanent building in the Green Belt, which would diminish openness and as such is considered to be inappropriate development in the Green Belt. Therefore, it is considered that a case of very special circumstances is required to justify the building.

9.9 Whilst, the structures to be removed are not considered permanent, they are lawful and it is considered that the replacement building would be similar in size to existing structures. The proposals would enable better security of the site for the lawful uses and appear small scale, tidying up a general ad hoc untidy entrance. As the building is ancillary to the filming uses on the site, which are generally supported due to the economic benefit for the locality and need nationally, this factor also is considered to be a 'very special circumstance' and the need is also supported in terms of providing facilities for security. Overall, it is considered that the 'very special circumstances' exist which justify the building and a condition will be removed requiring removal of the existing structures before erection of the new building. It is also considered reasonable for the permission to be temporary to take account of the temporary uses and associated needs. As such it is proposed to limit the permission to 5 years and request that the building be removed after this period.

9.10 In terms of the proposed fence, this is also considered to be development of a previously developed site which would result in some harm to the openness of the Green Belt. However, the revised design which is more open in design and sympathetic together with the proposed proposed additional planting will cause limited harm and will have the benefit of securing the site. It is also noted that fences of similar height can be constructed under permitted development rights where they are not adjacent to a highway. This permitted development restriction is generally to allow consideration of any potential harm to Highway visibility and in this case, no objection is raised by Hertfordshire Highways. For these reasons it is considered this element of the proposal is justified. A condition requiring specific details of planting will be imposed.

Impact on Street Scene and Character of the Area

9.11 It is considered that the building would improve the overall approach of the site by removal of portacabins and as the building is small scale would not result in any significant harm to the character/appearance of the area. The fence is intended to fill the existing gaps behind the vegetation but the applicant is asked to increase planting to mitigate the impact of the fence. In the longer term, it is considered that the scheme would improve vegetation surrounding the site and the harshness of the fence would be mitigated.

Impact on Trees and Landscaping

9.12 It is considered important that the installation of the fence would not harm the root areas of existing hedging and vegetation and as such, if any damage occurs, replacement planting will be required. As such a condition requiring detailed scheme of planting will be imposed.

Impact on Highway Safety

9.13 The Highway Authority has stated that the development is unlikely to result in a significant increase in the volume of traffic in the vicinity of the site and therefore has no objection to the temporary use of the site for filming.

Impact on Neighbours

9.14 No adverse impacts. Complied with Policy CS12 of the Core Strategy.

Aviation Safety

9.15 The site is situated within NATS Bovingdon Safeguarding Zone and as such, the Safeguarding Authority has been consulted on the application. No objection has been raised.

10. Conclusions

10.1 The proposed development would constitute inappropriate development in the Green Belt, however, there are very special circumstances which justify this limited harm, which include removal of existing lawful structures and visual improvements to the site, together with consideration of the need and benefit of the works to the associated filming uses. The building is considered justified in association with the lawful uses on the site and will be limited to a temporary period. The fence is also considered justified and any harm arising visually will be mitigated by additional planting.

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

1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>01 02 03 04 05 06 07 08 09 10 11</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>No development shall take place until a scheme for planting shall have been submitted to and approved in writing by the local planning authority. This scheme shall include:</p> <p>a) Proposed planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment);</p>

	<p>schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;</p> <p>b) A method statement setting planting timeframes and details for replacement planting if any vegetation fails to establish/die.</p> <p>The scheme of planting works shall be carried out in accordance with the details contained within the method statement above.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policy CS5 and CS12.</p>
4	<p>All structures shown for removal on the approved plans shall be permanently removed from the site prior to erection of the building hereby permitted.</p> <p>Reason: In the interests of maintaining the open character of the Green Belt in accordance with the NPPF and policy CS5.</p>
5	<p>The permission is for a period not exceeding 5 years of the date of this permission. No later than 6 months after the expiry of the permission, the building hereby approved shall be demolished and all materials removed from the site.</p> <p>Reason: In the interests of visual amenity and openness of the Green Belt in accordance with the NPPF and policy CS5 of the adopted Core Strategy.</p>

Appendix 1

Consultation responses

1. Town/Parish Council

Bovingdon Parish Council - Original submission

- 1) The existing portacabin and steel containers are 'temporary structures', thus would not be subject to the rules for planning consent by default. This would therefore be an application for a new building on greenbelt land and as such should not be permitted as it would be detrimental to the openness of the greenbelt.
- 2) The proposed fence at 1.7m would be imposing and out of keeping with the surrounding environs, thus have a detrimental impact on the openness of the greenbelt

Bovingdon Parish Council - Revised Scheme

Object - the comments made at the Planning Committee meeting held on 20 December 2017 still stand and are as follows:

The existing portacabin and steel containers are 'temporary structures', thus would not be subject to the rules for planning consent by default. This would therefore be an application for a new building on greenbelt land and as such, should not be permitted, as it would be of detriment to the openness of the greenbelt.

The proposed fence at 1.7m would be imposing and out of keeping with the surrounding environs, thus have a detrimental impact on the openness of the greenbelt.

2. Hertfordshire County Council – Highway Authority

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management

Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Hertfordshire County Council as Highway Authority does not object to the development, subject to the informative notes below.

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 Demolition and removal of existing porta cabin/site office and two steel containers. Construction of new site security office and security fence along southern boundary

There are no substantial highways implications in this amendment.

PARKING

No Vehicle Parking details were submitted for this application

ACCESS

The site is accessed from Chesham Road, which is a "B" classified numbered road, the B4505 with a 60mph speed limit. No changes are proposed to the existing access and no works are required in the highway.

CONCLUSION

HCC as highway authority considers that the proposals would not have an unreasonable impact upon highway safety or capacity, subject to the informative notes above

3. NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not

provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

4. Environmental Health - Contamination Team

The site has a potentially contaminative former land use (military land) and is also located within the vicinity of another potentially contaminative former land use (unknown filled ground). Consequently there may be land contamination issues associated with this site. I recommend that the contamination conditions (CONT1 and CONT2) be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).