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| <b>4/01496/18/FUL</b>        | <b>THE RETENTION OF 4 NO. STORAGE CONTAINERS AND THE PLACEMENT OF 3 NO. ADDITIONAL STORAGE CONTAINERS ASSOCIATED WITH THE BUILDERS YARD</b> |
| <b>Site Address</b>          | <b>WOODLAND WORKS, WATER END ROAD, POTTEN END, BERKHAMSTED, HP4 2SH</b>   |
| <b>Applicant</b>             |   |
| <b>Case Officer</b>          | <b>Briony Curtain</b>   |
| <b>Referral to Committee</b> | <b>Objection from Potten End Parish Council</b>   |

## **1. Recommendation**

1.1 That planning permission be **GRANTED**

## **2. Summary**

2.1 The application site is located within Potten End, a small village in the Green Belt wherein in accordance with the National Planning Policy Framework, new buildings would normally amount to inappropriate development (the storage containers are considered to represent 'buildings' in planning terms given their degree of physical permanence). Paragraph 145, however, clearly highlights 'infilling in the villages' as an exception to this and as such the development proposed is appropriate development and therefore acceptable in principle subject to a detailed assessment of its impact.

2.2 The application proposes the retention of 4 existing containers and the placement of 3 additional containers for B8 storage purposes. The application is not concerned with a change of use of the site; which is lawfully a builders yard but concerned solely with the 'buildings'. Given their size, scale and position they would not significantly harm the overall character or appearance of the area or adversely affect the residential amenity of adjoining properties in terms of visual intrusion, privacy or loss of light. With regard to noise and disturbance, subject to the imposition of conditions requiring the implementation of sound reduction measures (rubber stop bumps and soft close mechanisms to the doors) and restricted access hours there would be no significant harm. Herts County Council as Highway Authority are satisfied that given the scale of the proposal and infrequent traffic movements set out in the planning statement the development would not have a significant adverse impact on the safety or operation of the adjacent highway network. No parking is directly required as a result of the proposal only vehicular access.

2.3 The proposal complies with Policies CS1, CS6, CS8 and CS12 of the Core Strategy 2013 and is therefore considered acceptable.

## **3. Site Description**

3.1 The application site is located within the selected small village of Potten End, a settlement within the Metropolitan Green Belt. The existing

## **4. Proposal**

4.1 Planning permission is sought for the retention of 4 existing metal containers and the siting of an additional three. The containers would be used for the storage of building materials and furniture. A planning statement supports the application which sets out the nature and scale of the storage usage, the likely traffic movements and hours of operation.

## 5. Relevant Planning History

|                |  |
|----------------|--|
| 4/01965/17/RET | THE RETENTION OF 4 NO. STORAGE CONTAINERS AND THE PLACEMENT OF 3 NO. ADDITIONAL STORAGE CONTAINERS (USE CLASS B8)<br>Withdrawn<br>21/02/2018 |
| 4/01099/17/FUL | CHANGE OF USE FROM B8 (WAREHOUSE AND DISTRIBUTION) TO B2 (GENERAL INDUSTRIAL)<br><br>Granted<br>18/07/2017                                   |
| 4/00516/75/FUL | ERECTION OF REPLACEMENT SINGLE STOREY BUILDING<br>Granted<br>12/08/1975  |
| 4/00085/18/FUL | CHANGE OF USE FROM PRINTERS (CLASS B1) TO BARBER SHOP (CLASS A1)<br>Unknown  |

## 6. Policies

### 6.1 National Policy Guidance

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

### 6.2 Adopted Core Strategy –

NP1, CS1, CS6, CS8, CS11, CS12, CS13, CS31, CS32

### 6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 34, 51, 57, 58, 99, Appendix 5

## 7. Constraints

- CIL1
- 10.7M AIR DIR LIMIT
- SMALL VILLAGE
- AREA OF SPECIAL CONTROL FOR ADVERTS
- Former Land Use
- GREEN BELT

## 8. Representations

## Consultation responses

8.1 These are reproduced in full at Appendix A

## Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

## **9. Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Design and impact on Character and appearance of the area
- Impact on residential amenity and living conditions of the occupiers of surrounding properties
- Impact on Highway Safety and Parking Provision
- Other

### Policy and Principle

9.2 The application site is located in the Metropolitan Green Belt, within the designated small village boundary. Policy CS1 of the Core Strategy 2013 states that the rural character of the Borough should be conserved. However, development that supports the vitality and viability of local communities, causing no damage to the character of the area and not contravening relevant policy, will be supported. Para 83 of the NPPF states that planning policies and decisions should enable (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Para 84 goes on to state 'the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.

9.3 The storage containers are considered to represent 'buildings' in planning terms (given their degree of physical permanence), and this application only considers the retention and construction of these new buildings. It is not considering the use or change of use of the site. The existing lawful use is a builders yard with a primary storage function and this has been confirmed via enforcement files.

9.4 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

9.4 The main issues to consider in terms of Green Belt policy, therefore, 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 it is inappropriate development are there any very special

circumstances to justify its approval.

### ***Appropriateness***

9.5 Paragraph 145 of the National Planning Policy Framework sets out the exceptions for new buildings within the Green Belt which are considered to be 'not inappropriate' development. One such exception is:

- “...*limited infilling in villages...*”

9.6 The scale, bulk and mass of the proposed and existing containers are relatively modest and they would be positioned throughout the application site. As such, I would consider the proposal to be 'limited' in scale. Further, as the application site is enclosed by built urban form on all boundaries, and the proposal lies within the Selected Small Village of Potten End, I consider that this development would represent 'infilling' within a village.

9.7 Taking the above into account, It is considered that the proposed development would represent limited infilling in a village. As such, it would meet the identified exception within paragraph 145 and would represent development that is **not** inappropriate within the Green Belt.

### Design and the impact on the character and appearance of the area.

9.8 As stated, Policy CS1 of the Core Strategy 2013 states that the rural character of the Borough should be conserved. Policies CS11 and CS12 state that developments should respect the typical density and layout of surrounding built form and the character of the area. The proposed smaller containers have a maximum height of approximately 2.5m, a width of approximately 2.4m and a depth of approximately 6m. The larger containers appear to have a maximum height of approximately 2.5m, a width of approximately 2.4m and a depth of approximately 12.1m.

9.9 Though there would be some views of the containers from the public domain, these views would be limited to immediately in front of the gates. From longer distance views they would be screened behind landscaping or existing buildings in the area. It is considered that the build, scale, form and positioning of the containers would not result in a cramped, or visually prominent development within the immediate streetscene. Further, the containers are well set back within the site (over 10m from the front fencing) which would limit their visual impact on the area. The northern boundaries which separate the application site from adjoining residential properties comprises mature landscaping which screens the containers from view. The development is functional in nature and is consistent with the type of development one would associate with the lawful use of the site.

9.10 As stated above it is noted that the proposed development would be within close proximity of existing established vegetation. However, on discussion with Dacorum Landscape and Woodland it is not considered that the development would result in harm to this vegetation and that it is not of significant amenity value to protect.

### Impact on residential amenity and living conditions of the occupiers of surrounding properties

9.11 Policy CS12 (e) aims to preserve neighbouring amenity in requiring development to avoid harm to residential amenity. Given the size, scale and position of the existing and proposed containers the development would not result in significant harm to the living conditions of the occupants of adjacent properties in terms of loss of light, overlooking or visual intrusion. It is acknowledged that there are residential properties within close proximity of the site, however, given their low profile and their concealed position; behind the existing mature landscaping, the containers would not appear unduly prominent or oppressive to the detriment of residential amenity.

9.12 Turning to noise and disturbance a planning statement (that sets out the likely intensity of use, details of traffic movements, hours and times of operation etc) and a Noise Survey Report have been submitted to support the proposal. The Noise report assesses current noise levels in the site/area, sets out the likely sources of noise associated with the proposal and where necessary highlights measures to reduce these. The noise sources include; vehicle movements, the use of the metal containers and the movement of materials and equipment. Mitigation measures include; restricting operations to Mon-Fri 08.00 - 18.00, and installing rubber bump stops and a soft closing mechanism to the container doors.

9.13 The Councils Environmental Health Officers have reviewed the reports and are satisfied that whilst the submitted report does not consider resultant noise impacts, given that the hours and days of the containers use would be restricted and that mitigation measures would be fitted to the metal containers the proposal would not result in significant harm to the living conditions of surrounding properties.

9.14 Taking all of the above into account, and also having regard to the lawful use of the site, it is not considered that the proposal would result in significant harm to adjacent properties in terms of light, privacy, visual intrusion or noise and disturbance to the extent that would warrant a refusal of planning permission. To safeguard residential amenity, a condition restricting the hours of operation and requiring the full implementation of the mitigation measures set out in the submitted Noise report is considered necessary and reasonable and shall be imposed. Should the development become a statutory nuisance in the future, this could be controlled under separate Environmental Health Legislation.

#### Impact on Highway Safety and Parking Provision

9.15 Policy CS12 of the Core Strategy seeks to ensure that all developments have sufficient parking provision. Policies CS8 of the Core Strategy, and Policies 57, 58 and Appendix 5 of the saved Dacorum Local Plan set out maximum demand based parking standards.

9.16 The proposal does not provide any formal on-site parking and the planning statement submitted in support of the proposal sets out that no parking is required on site. The application site is to be un-manned and vehicles will visit infrequently to offload or remove materials and equipment to the containers. As such the main consideration within the site is access to the containers, and the ability of vehicles to manoeuvre within the site. The containers occupy a limited area of the total site and are positioned (they occupy the periphery of the site) in such a manner as to allow access between them.

9.17 Turning to highway safety, Herts County Council have been consulted and raise

no objection to the proposal. A supporting statement sets out the likely traffic movements associated within the development; the containers will be accessed by either 4x4 or 7.5 tonne vehicles with a crane on an infrequent basis (3 times a week) during normal working hours / days. The vehicles will off load or pick up construction materials and equipment to be stored in the containers or to be taken to sites being developed by the applicants. The site is located close to the junction of Water End Road and Brown Spring. The existing access is off of Brown Spring, and shared with other industrial uses (MOT test centre). It is not proposed to alter the access arrangement as part of the proposal.

9.18 It is acknowledged that Brown Spring is a predominantly residential road, and that the site access is shared with other commercial / industrial uses, however, the proposal would not significantly adversely affect the safety or operation of the adjacent highway. The lawful use of the site is a builders yard, and the proposal would not significantly intensify its use. In addition the statements submitted in support of the application set out that vehicle movements would be infrequent and restricted to 'working hours'.

9.19 Taking into account all of the above, the proposal would not significantly adversely affect the safety or operation of the adjacent highway network and it is concluded that a refusal could not be sustained.

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

Conditions/Reasons for Refusal

| No | Condition  |
|----|--|
| 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 fully in accordance with the following approved plans/documents:</p> <p>1410/102 - 40ft Container Specification<br/>           1410/101 - 20ft Container Specification<br/>           1410/100 - Site and Location Plan<br/>           Planning, Design &amp; Access Statement (June 2018)<br/>           Environment Noise Survey Report (May 2018)</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> |
| 3  | <p>Prior to their first use, the sound reduction measures (rubber bumps stops and soft closing mechanism for the doors) set out in the submitted Environmental Noise Survey dated May 2018, shall be fitted to the metal structure of the containers hereby permitted and shall be thereafter maintained as such.</p> <p>Reason: to safeguard the residential amenities of adjacent properties in accordance with Policy CS12 of the Core Strategy 2013.</p>   |

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| 4 | <p>The metal storage containers hereby approved shall only be accessed (opening and closing of container doors) between the hours of 08.00 - 18.00 Monday - Friday (excluding bank holidays).</p> <p>Reason: to safeguard the residential amenities of adjacent properties in accordance with Policy CS12 of the Core Strategy 2013.</p> <p>Article 35;</p> <p>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.</p> |
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## Appendix A

### Consultation responses

#### Herts County Council 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.

#### Planning Application

The application represents a resubmission of a similar scheme ref: 4/01965/17/RET for the retention of 4 no. storage containers and the placement of 3 no. additional storage containers (use class B8). The planning application is seeking full planning permission for the proposal

The site : The application is on a land at Woodland Works, Water End Road, Potten End, Berkhamsted, HP4 2SH. The Application Site currently contains four lockable single storey storage containers, two of which are 40ft long containers and two smaller 20ft long containers. The application Site to offload construction material and equipment to be stored in the containers. As such, the Application Site is Infrequently used. In July 2017 planning permission reference 4/01099/17/FUL was granted for the change of use from B8 (warehouse and distribution) to B2 (general industrial).  
Proposal

The proposal is for the retention of 4 no. storage containers and the placement of 3 no additional storage containers (Use Class B8). The Proposal does not involve a material change of use as the current lawful use of the Application Site is Use Class B8 storage and distribution use. A total of seven storage containers will be placed on the Application Site, two of which are 40ft long containers with the remainder being 20ft long containers. All containers are single storey.

## Access

The development will be accessed from the existing access to the Application Site which is off Browns Spring. The vehicles will be either a 4x4 or 7.5 tonne vehicle, but no large vehicles. No parking will be provided for the development.

Conclusion Highway Authority does not wish to restrict the grant of consent

## **Potten End Parish Council**

The Parish Council strongly opposed the MOT Planning Application and despite this opposition Planning Permission was granted. With regard to the Shipping Containers, the Parish Council is not aware that the company concerned applied for Planning Permission for the first tranche of Shipping Containers. Now an additional three are required on the same site and it would appear retrospective permission is now being sought for the four containers.

The Parish Council supports the objections of local residents regarding this most recent application. In addition, it would question whether DBC intends to approve the turning of this part of a small village into a mini-trading park to include hairdressers, a MOT station and a storage depot for shipping containers - what next?

## **Environmental Health - Scientific Officer (Noise)**

The acoustic report does not properly consider the resultant noise impact of opening/closing metal containers upon the nearest residential receptors. The loading and unloading of containers and associated increased vehicle movements are also not properly considered. The acoustic report merely states baseline levels; and does not adequately consider BS4142:2014 'Methods for rating and assessing industrial and commercial sound'. There is a likelihood that use of the containers could cause a statutory noise nuisance.

Therefore, based on the above, this department considers that if planning consent were to be granted the following Planning Conditions are strongly recommended, to be applied.

Condition 1:

The hours of site operation shall be restricted to Monday-Friday (excluding bank holidays, 08:00 – 18:00 hours. No site activity on Saturday or Sundays.

Reason:

To protect local residential amenity.

Condition 2:

The methods of sound reduction identified in the acoustic report shall be fitted to the metal structure of the containers; prior to first use of the containers.

o Rubber bump stops

o Soft closing mechanism for the doors.

Reason:

o To protect local residential amenity.

## **Appendix B**

### **Neighbour notification/site notice responses**



## Objections

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

Bramblings - OBJECT;

This is NOT an industrial estate! The MOT centre has taken any spare parking & even block the entrance to the proposed site with numerous cars daily. Where will these cars park when the site is in more frequent use? The current site is already a complete eyesore, no one has been in for at least 6 months & it's completely abandoned.

Branches from overgrown trees came down in the heaving snow in January & have never been cleared, to call it a visual intrusion would be an understatement. The owner of the site has no consideration for those that have to look at it every day. We have 2 small children so the thought of lorries with cranes turning up, even occasionally concerns me from a safety point of view, not to mention the potential damage to parked cars. 2 wooden posts from our grass verge have already been ripped out by careless drivers trying to manouver out of a prohibitively tight entrance. Do not make more planning mistakes on our road. I have photo evidence to demonstrate

Kimset - OBJECT

We the residents have been here before with exactly the same objections. Since then matters have worsened to the extent we now have a commercial garage to contend with of which you approved. Most days cars using these premises plus residents, and others in the village who do not even live here clogging up all one side of Browns Spring.

Since you approved the original application for containers on this site they, the containers have NEVER been used for the purpose as stated in that application. So whats the point of having any more. Are we The Residents going to look forward to heavy vehicles trying to manoeuvre into this congested site with further damage to our verges and footpaths. I look to you to refuse this application.

The Laurels - OBJECT

Access to, from and along Browns Spring has become difficult, hazardous and dangerous since the MOT station opened.

Cars are now parked all along Browns Spring and into Water End Road at the junction. Sight lines for Water End Road traffic are now often poor and sometimes non existent at the junction.

Refuse collection and other large vehicles now have to reverse into and along along the full length of Browns Spring

Commercial and emergency service vehicle drivers unfamiliar with Browns Spring now have to reverse out onto Water End Road.

Our car has been damaged twice since, whilst parked in Browns Spring

Vehicles accessing the proposed containers would have to cross the MOT station forecourt, leaving even less off road parking for the MOT station, and/or vehicles will block Browns Spring waiting for access obstructing vehicles to be removed by the MOT station.

Please also consider the visual intrusion, noise and disturbance resulting from use of the containers at any time 24/7.

#### Woodbury - OBJECT

Browns Springs is predominantly a residential road in a small village, character and integrity should be considered. This application furthers previous use of this site for storage of industrial ISO type containers, there are currently four containers on site at ground level, these are surrounded by industrial type fencing. Since installation the site has remained virtually untouched, unused and become overgrown. The addition of further containers particularly if they are to be placed on top of existing ones will detract visually from existing character of residential road. By virtue of what they are design, appearance and materials are not in keeping with a residential road. This is also likely to increase heavy vehicle traffic IF they are to be regularly accessed, given this is a cul de sac, heavy vehicles when operating block access and egress to residents. As this is a storage facility this brings no viable financial benefit to the village in terms of employment or use by residents.

Low Dene - OBJECT on grounds of road safety, noise, pollution, impact this will have on residents access and safety and quality of life.

- The current application seeks to retain 4 containers and proposes an additional 3. There has been no previous application for the 4 and therefore no opportunity for residents to comment about the appropriateness of the site to house containers at all, nevermind to add three more.

- why was planning permission not sought prior to the siting of the containers? Is this a retrospective application ?

If the containers are unlawfully on the site then they should be treated with all the rigour a new application would receive.

- the site is tiny and squeezed between residential housing and a small business unit with which it shares a short access. The unit has recently had a change of use to a MOT centre and this has exacerbated parking problems and greatly increased traffic movements. Car Parking on the site is limited. At present the MOT centre can use the space by the gate to the container access as they are not in use but this would not be available once access to the containers was required.

- how can vans safely access the site ?

- vehicular access to Brown Spring is already restricted and cars park on the corner making access dangerous. More large vehicles is unacceptable for safety reasons. Large vehicles attempting to access the container site and then having to reverse out again is a danger, especially for the properties opposite. It is a danger all road users including pedestrians and horse riders.

- there is a considerable amount of disquiet and concern from residents. It is felt that these containers are an eyesore and are totally inappropriate for a residential area. There is also anxiety that the owner will stack them higher.

- there is also concern over what is to be stored and safeguarding issues with hazardous chemicals and inflammable materials etc. The close proximity of the residential properties makes this a real concern.

- this application should be refused and it should be questioned if the site is suitable for commercial use at all.

#### Dunromin - OBJECT

I would like to register my objection to the above planning application. My property is adjacent to the site.

The four containers currently on site have been placed without planning permission.

Since then the site has opened an MOT and car service business. The adequacy of parking is limited. The site already has congestion with vehicles frequently entering and leaving backing and turning into Browns Spring and parking along the road. Any further development on this busy site is likely to exacerbate the situation.

The containers are an eyesore and currently have an air of neglect with overhanging and fallen tree boughs. There is no screening and a visual intrusion when entering the road and from neighbouring properties.

Would you kindly take into account these comments which deciding on this application.