

<b>4/03260/18/FUL</b>	<b>EXTENSION AND ALTERATION TO EXISTING BUILDING INCLUDING THE INSERTION OF TWO ROOF DORMERS AND FENESTRATION. CHANGE OF USE TO A 1-BED DWELLING. (AMENDED SCHEME).</b>
<b>Site Address</b>	<b>FORMER TELEPHONE REPEATER STATION, DUDSWELL LANE, DUDSWELL</b>
<b>Applicant</b>	<b>Mr. P. Doyle</b>
<b>Case Officer</b>	<b>Rachel Marber</b>
<b>Referral to Committee</b>	<b>Called in by Cllr Pringle</b>

## **1. Recommendation**

That planning permission be **GRANTED**

## **2. Summary**

2.1 The proposed change of building use to residential and two storey rear extension, raise in building's ridge height and associated dormer windows through size, position and design would not adversely impact upon the openness of the Green Belt, visual amenity of the existing building, immediate street scene, residential amenity of neighbouring properties or highway safety. The proposal is therefore considered in accordance with the NPPF (2019), Policies CS5, CS8, CS11, CS12, CS17 and CS32 of the Core Strategy (2013), Saved Policies 18, 21, 22, 34, 51, 57, 58, 99, 100, 118 and Appendices 3 and 5 of the Dacorum Local Plan (2004) and the Northchurch (BCA19) Residential Character Area (2004).

## **3. Site Description**

3.1 The application site comprises a detached former telephone repeater station, which is now used for storage (B8 use). The site has an existing access located to the north side of Dudswell Lane, Northchurch, in very close proximity to the junction with Tring Road. The application site resides within the designated Green Belt. Wrapping around the rear of the site is Northchurch sports club, the remainder of the area is characterised by different house types and open fields.

## **4. Proposal**

4.1 The application seeks permission for the following works:

- Two storey 2 metre deep rear extension;
- Raise in the building's ridge height by 1 metre;
- Insertion of side two dormers windows;
- Fenestration alterations; and
- change the use of the building into a one bed dwelling (C3 use).

4.2 The extension work has already been approved under application ref: 4/00537/18/FUL therefore, the main issue for consideration under this application is the change of use from storage to residential.

## 5. Relevant History

4/00715/19/SDA CHANGE OF USE FROM B8 STORAGE USE TO C3 RESIDENTIAL USE  
Delegated  
Pending consideration

4/00537/18/FUL EXTENSION AND ALTERATION OF EXISTING BUILDING INCLUDING THE  
INSERTION OF TWO ROOF DORMERS AND FENESTRATION.  
Granted  
20/04/2018

4/00049/18/FUL EXTENSION AND ALTERATION OF EXISTING BUILDING INCLUDING THE  
INSERTION OF TWO ROOF DORMERS AND FENESTRATION. CHANGE OF  
USE TO 1 BED DWELLING.  
Withdrawn  
16/03/2018

## **6. Policies**

### 6.1 National Policy Guidance (2018)

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

### 6.2 Adopted Core Strategy – (2013)

CS5 - Green Belt  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 – New Housing  
CS32- Air, Soil and Water Quality

### 6.3 Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 18 - The Size of New Dwellings  
Policy 21 - Density of Residential Development  
Policy 22 - Extensions to Dwellings in the Green Belt and the Rural  
Area  
Policy 34 - Other Land with Established Employment Generating  
Uses  
Policy 51 - Development and Transport Impacts

Policy 57 - Provision and Management of Parking  
Policy 58 - Private Parking Provision  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 100 – Tree and Woodland Planting  
Policy 118- Important Archaeological Remains  
Appendix 3- Layout and Design of Residential Areas  
Appendix 5- Parking Provision

#### 6.4 Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area (Northchurch (BCA19)  
Accessibility Zones for the Application of Car Parking Standards (July 2002)

### **7. Constraints**

Green Belt  
Special control for adverts

Adjacent to Northchurch (BCA19) residential character area

### **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**

9.1 The main issues to consider are:

- Principle of Development
- Principle of Development in the Green Belt
- Effect on Appearance of Building and Street Scene
- Effect on Amenity of Neighbours
- Impact on Trees and Landscaping
- Impact on Highway Safety and Parking Provision
- Archaeology
- Contamination
- Consultation Responses
- Community Infrastructure Levy (CIL)

#### Principle of Development

9.1 The application site is a windfall site located just outside the town of Northchurch. As such, the infrastructure in the immediate area has been reasonably developed to provide good transport links for existing residents.

9.2 Overarching Policies CS1 and CS4 of the Core Strategy (2013) supports developments within towns and large villages. Decisions on the scale and location of development are made in accordance with the settlement hierarchy outlined in Table 1. Tring, together with Berkhamsted, are identified as a 'second tier' market town with limited opportunity for development. The main focus for development in the borough is Hemel Hempstead. Policy CS4 clarifies that in town centres and local centres 'a high density of development linked to the achievement of sustainable objectives is generally supported'. The rural character of the borough is therefore to be conserved. However, development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt will be supported.

9.3 Saved Policy 19 of the Local Plan (2004) states that the conversion of other building to incorporate flats or houses will be permitted for the reuse of buildings in the countryside. The proposed new dwelling would provide for a small one bed unit in-line with Saved Policy 18 of the Local Plan (2004).

9.4 The application site does not fall within a General Employment Area and therefore the site use for a storage facility (which falls under a B8 use class) is not protected for employment retention. Furthermore, the change in use of this storage unit is permitted without formal planning permission under Schedule 2, Part 2, Class P of the General Permitted Development Order (2015); this forms a strong fall-back position. Therefore, this loss of this storage facility to residential is considered acceptable.

9.5 Taking all of the above into account, the proposed conversion of the building to residential use would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, the principle of change to residential use is acceptable in accordance with the NPPF (2019), Policies, CS1, CS4, CS15 and CS17 of the Core Strategy and Saved Policies 18 and 19 of the Local Plan (2004).

#### Principle of Development in the Green Belt

9.6 The site lies within the identified Green Belt, where the Green Belt Strategy is set out in the NPPF (Section 13: Protecting Green Belt Land). Therefore, the most relevant paragraph of the NPPF in regards to Green Belt land is Paragraph 145. This states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, other than in a number of exceptions including 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.

9.7 Paragraph 146 in the NPPF (2019) extends this by saying that material changes in use of land are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

9.8 Policy CS5 of the Dacorum Borough Council Core Strategy (2013) confirms, amongst other things, that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt. It also indicates that extensions to existing buildings and building for the uses defined as appropriate in national policy will be permitted subject to the effect on the character and appearance of the countryside, the rural economy and maintenance of the wider countryside.

9.9 Saved Policy 22 of the Local Plan (2004) states that limited extensions in the green belt are permitted provided they are compact and well-related to the existing building in terms of design, bulk, scale and materials used, have regard the size and shape of the site and retains sufficient space around the building to protect its setting and the character of the countryside.

9.10 Control over the size of the extension will be more tightly applied at more isolated locations in the countryside and at the edges of existing settlements, but may be more relaxed at the centre of these settlements.

9.11 With regards to the above policies proportionate extensions to an existing building in the Green Belt are considered acceptable provided that it has no significant impact on the character and appearance of the countryside. The Green Belt assessment for the proposed extensions were considered under application ref: 4/00537/18/FUL and thought to be proportionate to the existing dwelling. This permission has already been implemented and therefore forms a fall-back position for this planning application. Nevertheless, for the avoidance of doubt this assessment is outlined below.

9.12 The proposed extensions would increase the floorspace and volume of the existing building. As such, the proposed floorspace calculations for the property are as follows:

	Original	Proposed
Foorpsace	44 sq.m	61.36 sq.m = <b>+39.5%</b>
Volume	237.6 m3	392.7 m3 + 1.72 (dormers) = 394.4 = <b>+66%</b>

9.13 Given the above calculations the proposal would result in a proportionate addition in terms of floorspace increase, but would double the existing building's volume. Nonetheless, it is considered that the proposed extension would be commensurate

with the size, situ and shape of the existing building, retaining the existing width, roof form and pitch. It is also considered that the proposed extensions would not harm the appearance of the countryside due to application site being surrounded by the hardstanding car park and associated buildings of the Northchurch sports club. As such, as the proposed extension would not result in visual harm to the character and openness of the Green Belt and would retain to some extent the visual form of the existing building. The extensions are therefore considered proportionate and acceptable in Greenbelt terms.

9.14 The change of use of the existing building to residential is also considered acceptable in principle in the Green Belt provided it preserves openness and does not conflict with the purposes of including land within it. The change of use would not result in any further external alterations to the building to what has been previously approved. The site is already surrounding by fencing and boundary treatment and facilitates an off street parking space. Nevertheless, a landscaping condition has been recommended in order to control the level of harm which may result from residential use of the site (such as fencing, residential paraphernalia etc.). This landscaping condition would also ensure that soft landscaping around the site is replaced in order to retain the verdant aspect character. No significant increase to hard surfacing of the site is proposed.

9.15 The proposal would not result in the unrestricted sprawl of a large built-up area, cause neighbouring towns to merge into each other, harm the setting and special character of historic towns, result in further encroachment of the countryside (as the site is surrounded by the car park serving Northchurch sports club) or make urban regeneration any less likely. Therefore, no further harm to purposes of the Green Belt would result from the proposal.

9.16 As the application site falls within the designated Green Belt the presumption in favour of sustainable development is not engaged in accordance with footnote 6 of the paragraph 11 of the NPPF (2019).

9.17 As such, the proposed extension and change of use of the site to residential is considered acceptable in principle in the Green Belt as no further harm to openness or purposes would result.

#### Effect on Appearance of Building and Street Scene

9.18 Policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2019) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

9.19 The existing Telephone Repeater Station is a circa 1940's single storey red brick built structure with a gabled clay tile roof with swept eaves supported on projecting

brick eaves. It is a simple, unassuming building, set back 14.5 metres approximately from Dudswell Lane; reducing its visual prominence further. The building is not of significant architectural merit to be considered as a non-designated heritage asset.

9.20 The proposed works to the building would be visible from both Dudswell Lane and the adjacent sporting facility. The proposed works would change the character of the appearance of the property quite significantly but nonetheless, the resultant building would remain a small, relatively unassuming structure, set well back from the street scene.

9.21 The DBC conservation officer was consulted on the planning application and consider the proposed extensions and residential conversion of the building acceptable. A detail of material condition has been requested to ensure that the proposed extension satisfactory matches/ compliments the existing building. A further condition has requested windows to be metal framed with a grey finish in-line with the conservation officer's recommendation.

9.22 Bins would be kept to the rear of the property, away from the street scene.

9.23 As a result there is not considered to be a significant adverse impact to the street scape or appearance of the existing building as a result of the proposed extension work, or change of building use.

#### Effect on Amenity of Neighbours

9.24 The NPPF (2019) outlines the importance of planning in securing high 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 to neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.25 Due to the isolated nature of the site, with no immediately surrounding neighbouring properties, the proposal would not result in detrimental impact to neighbouring residential amenity. The change in use of the site to residential is also considered to result in less noise and disturbance to the immediate area.

9.26 Turning to the amenity of future occupiers, Environmental Health were consulted on the planning application and consider that a residential development in this location has potential to be impacted by road traffic noise from the adjacent highway and parking area serving the sports club. Therefore, a condition requesting a noise impact assessment to be submitted outlining noise levels and appropriated mitigation measures (such as mechanical ventilation) has been recommended.

9.27 The internal floor space for the total dwelling would be 50.9 sq. approximately

which meets National Space Standards requirement for a one bedroom property which required 50sq.m of floor space. The bedroom size would also meet national space standard of 11.5 sq.m measuring 16.3 sq.m.

9.28 The new dwelling would have no private external amenity space. Nevertheless, this can be off-set by the close proximity of the site to open countryside, sporting facilities (immediately adjacent) and Northchurch Common (20 minute walk).

9.29 The level of privacy enjoyed by future occupants is also considered to be acceptable.

9.30 As a result, in regards to residential amenity, the proposal is acceptable.

#### Impact on Trees and Landscaping

9.31 Saved Policies 99, 100, 101 of the Dacorum Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

9.32 The application site has potential to provide both hard and soft landscaping. No significant trees reside on site and their removal would not significantly disadvantage the character and appearance of the immediate area. Nonetheless, a landscaping plan condition has been attached to the recommendation for grant permission. It is considered that the efficient placing of site boundary treatment and landscaping would significantly improve the visual appearance of the proposal and ensure no harm results to the appearance of the Green Belt.

#### Impact on Highway Safety and Parking Provision

9.33 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 105 of the NPPF (2019) 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 adequate provision of spaces for ultra-low emission vehicles. Policies CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

9.34 Hertfordshire County Council Highways originally objected to the planning application on highway safety grounds due to conflict of the site access in relation to the junction of Tring Road and Dudswell Lane. However, Hertfordshire Highways re-reviewed the application and removed their objection to the proposal for the following reasons:

- The site access is existing.



- The site already has permission for office/storage space and the utilisation of one parking space under application ref: 4/00537/18/FUL. The proposed change of building use to residential use would not result in a significant increase in vehicle movements which would result in severe highway impact.
- The office/storage use generates more trips than the residential use with usually larger vehicles and transit vans.
- There have been no recorded Personal Injury Accidents (PIAs) for the past 5 years at this junction.
- The addition of one new, one bed dwelling would not result in a significant increase in traffic.

9.35 Given the above the proposed development would not result in severe additional impact to highway safety or operation above the existing, or fall-back level in-line with paragraph 109 of the NPPF (2019).

9.36 The proposal seeks permission for a one bed property which would require 1.25 spaces at maximum standard in-line with Saved Appendix 5 of the Local Plan (2004). The application site has sufficient parking provision for one domestic car, which would fall marginally short of this maximum policy standard. The site is also located in close proximity to public transport with bus stops serving routes 500, 501, 502 and 520, which operate a frequent service, immediately outside the application site. Therefore, this level of parking provision is considered acceptable.

#### Archaeology

9.37 Saved Policy 118 of the Local Plan (2004) states that County Archaeological Group will be consulted on all planning applications affecting areas of archaeological significance and archaeological potential. Where the Council considers that physical reservation of archaeological remains in situ is not merited, planning permission will be subject to satisfactory provision being made for excavation and recording. Hertfordshire Archaeological were consulted on the planning application and consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest.

#### Contamination

9.38 Policy CS32 of the Core Strategy (2013) seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated. The DBC Contaminated land team were consulted on the planning application. As the development is located on a radon affected area where 1-3% of homes are above the action level as well as on a former contaminated land use i.e. Landfill/Refuse site, a contaminated land informative has been added to provide awareness of this.

#### Consultation Responses

9.39 Several concerns were received as a result of the application. The main concerns are addressed below:

- Increase in traffic
- Dangerous junction
- Dismissed appeal for No.5 Tring Road APP/A1910/W/18/3207998

9.40 These concerns have been addressed within the impact on highway safety section above.

9.41 The appeal regarding No.5 Tring Road was dismissed on grounds of the new access road serving the 5 new properties which would not provide safe and suitable access to the development. The Inspector also raised concerns regarding safety of access to the site given the Tring Road / Dudswell Lane junction; the oblique access to the residential curtilage of Kings Lodge; bus stops on both sides of the road, one immediately opposite the site entrance; the access to the Northchurch Sports Ground and pre-school nursery; and the Former Telephone Repeater Station, all in close proximity. In this regard the Inspectorate concluded to refuse permission due to no Road Safety Audit. It was the perceived increase in intensity from the additional units which was considered as posing an unacceptable risk to Highway Safety. However, it is important to note that this development was for 5 new dwellings, accessed from Tring Road. This proposal is for one new unit, which will utilise an existing building, with access off Dudswell Lane.

#### Community Infrastructure Levy (CIL)

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

#### **Conclusion**

9.43 The proposed change of building use to residential and two storey rear extension, raise in building's ridge height and associated dormer windows through size, position and design would not adversely impact upon the openness of the Green Belt, visual amenity of the existing building, immediate street scene, residential amenity of neighbouring properties or highway safety. The proposal is therefore in accordance with the NPPF (2019), Policies CS5, CS8, CS11, CS12, CS17 and CS32 of the Core Strategy (2013), Saved Policies 18, 21, 22, 34, 51, 57, 58, 99, 100, 118 and Appendices 3 and 5 of the Dacorum Local Plan (2004) and the Northchurch (BCA19) Residential Character Area (2004).

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

Conditions

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 in accordance with the following approved plans/documents:</p> <p>DOY/19/04 DOY/19/01 DOY/19/03 Planning, Design and Access Statement</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>Prior to occupation full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <p>hard surfacing materials; means of enclosure; and 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.</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual verdant aspect character of the immediate area; in accordance with Policies CS5 and CS12 of the Core Strategy (2013).</p>
4	<p>Any trees, hedges or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No new tree or hedgerow planted in accordance with condition 3 shall be pruned or cut in any manner within 5 years from the date of the occupation of the dwelling hereby approved, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.</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 CS12 of the Core Strategy (2013).</p>

5	<p>No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory appearance to the development; in accordance with Policy CS12 of the Core Strategy (2013).</p> <p>Materials Informative</p> <p>Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.</p>
6	<p>Windows of the development hereby permitted shall be metal framed with a grey finish.</p> <p>Reason: To ensure a satisfactory appearance to the development; in accordance with Policy CS12 of the Core Strategy (2013).</p>
7	<p>The bathroom window at first floor level in the North East elevation of the extension hereby permitted shall be permanently fitted with obscured glass.</p> <p>Reason: In the interests of the residential amenities of the application site; in accordance with Policy CS12 of the Core Strategy (2013).</p>
8	<p>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:</p> <p>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.</p> <p>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.</p> <p>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.</p>

	<p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development; in accordance CS32 of the Core Strategy (2013).</p>
9	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 8 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.</p> <p>For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development; in accordance with Policy CS32 of the Core Strategy (2013).</p> <p>Contamination Informative:</p> <p>The NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'</p> <p>Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a></p>
10	<p>Prior to commencement of the development hereby permitted a noise assessment shall have been submitted to and approved in writing by the Local Planning Authority. This noise assessment should be carried out on each habitable room and should identify design mitigation measures, where required.</p> <p>The development shall be carried out in accordance with these approved details.</p> <p>Reason: To ensure satisfactory level of amenity for future occupiers, in accordance with Policy CS12 of the Core Strategy (2013).</p> <p>Environmental Health Informatives</p> <p>1.) The applicant is advised to ensure that all reasonable steps have been taken to investigate and where appropriate, remediate against the possibility of gas migration affecting the development site, prior to the occupation of the</p>

development. In addition to the above, the developer is also advised to keep a watching brief during ground works on the site for any other 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.

2). All noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.

3). Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practicable Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

4). The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

#### Ecology Informative

In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

#### Article 35 Statement

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

## Appendix A

### Consultation responses

#### T&Ws

Trees within the proposed development site are not of sufficient amenity value to be considered a constraint to the development. As such I recommend approval of the application.

#### LLFA

Thank you for consulting us on the above application for the extension and alteration to existing building including the insertion of two roof dormers. Change of use to a 1 bed dwelling.

As it is a minor application the Lead Local Flood Authority is not a statutory consultee. However we can offer advice to the Local Planning Authority to place them in a position to make their own decision regarding surface water and drainage.

Having reviewed the information submitted in support of this planning application, we have no objections on flood risk grounds. We have no records of flooding in the location and the EA maps of surface water flooding show that the risk of flooding surface water is low on this development.

#### Northchurch PC

No Comment

#### Environmental Health Noise

The location of the development site has the potential to be impacted by road traffic noise. The application is not supported by any information which considers noise due to road transportation sources. Noise is recognised with national planning policy and supporting documents (Noise Policy Statement of England, Planning Policy Guidance: Noise) as relevant to planning due to impacts on health and quality of life. Plans for the development note habitable spaces with windows looking out onto the road.

I would recommend this development is subject to a planning condition which requires an assessment of noise impact prior to commencement. I suggest this be addressed prior to commencement as the development may require an alternative, and mechanical, means of ventilation (in place of or in addition to opening windows) to provide an adequate level of amenity. Alternative control mechanisms may be to reorient the internal layout so that the living space and bedroom is located at the rear and shielded by non-habitable spaces.

I have suggested a condition below.

<b>Suggested Condition</b>
Prior to development commencing the applicant shall submit to the LPA an assessment of noise exposure to transportation noise. Where the assessment identifies that mitigation measures are required to protect occupiers from noise, the assessment shall provide an outline mitigation statement having regard to the proposed design. Any scheme of mitigation shall also be subject to approval by the LPA, and once approved shall be in accordance with the approval prior to first occupation and retained thereafter.
<b>Reason</b>
Policy CS32 – any development proposals which could cause harm from a significant increase in noise (in or near a water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or vibration are not permitted.

## Environmental Health Contaminated Land

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/03260/18/FUL for the extension and alteration to existing building including the insertion of two roof dormers and fenestration for a change of use to a 1-bed dwelling.

Please be advise that we have **no objection to the proposed development in relation to Land Contamination.**

However, with the development located on a radon affected area where 1-3% of homes are above the action level as well as been on a former contaminated land use i.e. Landfill/Refuse site, the following planning condition and informative are recommend should planning permission be granted.

### **1). Gas and un-expected Contaminated Land Condition**

Our contaminated land record shows that the land is located on a radon affected area where 1-3% of homes are above the action level as well as been on a former contaminated land use i.e. Landfill/Refuse. There is a possibility that this may have affected the application site with potentially contaminated material. Therefore, the applicant is advised to ensure that all reasonable steps have been taken to investigate and where appropriate, remediate against the possibility of gas migration affecting the development site, prior to the occupation of the development.

In addition to the above, the developer is also advised to keep a watching brief during ground works on the site for any other 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.

**Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.**

### **2). Construction Hours of Working – (Plant & Machinery) Informative**

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.

### **3). Construction Dust Informative**

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practicable Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

### **4). Noise on Construction/Demolition Sites Informative**

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

## HCC 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 recommends that permission be refused for the following reasons:

Hertfordshire County Council (HCC) recommends refusal of the proposed development.

#### COMMENTS

This application is for Extension and alteration to existing building including the insertion of two roof dormers and fenestration. Change of use to a 1-bed dwelling. (amended scheme).

The site is located at the junction of Dudswell Lane, an unclassified local access road, with Tring Road, a busy "A" classified Principal Road, the A4251, with a speed limit of 30mph in the local vicinity and adjacent to a private driveway leading to the car park for the nursery and sports facilities.

A site visit was conducted on 29-01-2019.

#### REASON FOR REFUSAL

The reasons for refusal are as follows:

The Gazetteer shows that Tring Road is an "A" classified Principal Road with a 30mph speed limit, while Dudswell Lane is an unclassified local access road. The proposal would cause a point of conflict with other users of the highway, including vehicles, pedestrians and vulnerable users.

1. Drawings "Plan Existing" and "Plan Proposals" fail to show that the crossover is more than 15m from the nearest junction as recommended in HCC's Residential Dropped Kerbs; Terms and Conditions.

Although there is an existing parking space on site, it has not been used in many years, as the parking space is overgrown and in a bad state of repair. In addition, there are street furniture and trees compromising the visibility. The intensification of use for a one bed dwelling, with potentially two trips per day, compared to that for maintenance of a telephone repeater station, or storage, as is the stated use in the D&A statement for the 1990s, is unacceptable in Highway Terms.

The site visit also confirmed that the crossover as shown in the drawings "Plan Existing" and "Plan Proposals", is not constructed to current HCC standards and is unacceptable for any intensification of use in Highway terms.

The link below refers:

<https://www.hertfordshire.gov.uk/media-library/documents/highways/dropped-kerb-terms-and-conditions.pdf>

2. The same drawings also indicate that while a vehicle is able to enter the site in forward gear, it will have to reverse to exit the site, since there is no available turning space on site. This is would involve reversing into Tring Road, which is a busy A road and is against the regulations set out in:

Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section 2: Highway Layout and Strategies, Chapter 9: Permitted Road Connections and Frontage Access Table 2.9.1.1

Which states that from a minor to a major road, Vehicles should be able to enter/leave the highway in forward gear.

The link below refers:

<https://www.hertfordshire.gov.uk/media-library/documents/highways/development-management/section-2-highway-layout-and-strategies-highways-design-guide.pdf>

3. However, the applicant should be advised that if they were to construct a new access from the driveway to the NW side of the property, which is already used by vehicles connected with the local sports club and the nursery and has an egress/ingress on Dudswell Lane which appears to operate without any Highway issues, this would enable vehicles for the proposed property to enter and leave the adjacent highway in forward gear and would be acceptable to HCC as Highway Authority. A new parking space would also need to be constructed, perpendicular to the proposed dwelling and any access to the SE boundary of the site made good.

CONCLUSION:

HCC as Highway Authority recommends that this application be refused for the reasons given above.

Amended Comments

I have now reviewed our formal comments to the above submitted application. Previous highways responses to the site concerned were also taken into account. My comments to the application are as follow:

The site is accessed via existing crossover off Dudswell Lane with a hardstanding in situ for vehicle parking. Dudswell Lane is a unclassified local access road and links to a 'Principal Road' Tring Road (A4251). The proposals are to utilise existing access and parking arrangements. The site also benefits from a planning permission for office/storage space (Ref: 4/00537/18/FUL).

I acknowledge that the existing VXO on Dudswell lane serving the site is not at an ideal location bearing in mind close proximity of Tring Road (A4251) junction. This led to Valerie's recommendation for refusal. Having checked the accident data, it reveals no recorded Personal Injury Accidents (PIAs) for the past 5 years at this junction. I consider that the nature of the proposed development is of a small scale with an existing access provision, and is unlikely to intensify vehicular movements when comparing with the current planning permission approval. I am therefore overruling Valerie's recommendation for refusal.

In view of the above, the Highway Authority would like to withdraw its previous objection to the application and recommend to grant approval on Highways grounds. This decision is entirely based upon the fact there is an existing VXO provision, and that the site already benefits from a planning permission for office/storage space (Ref: 4/00537/18/FUL).

I hope the above clarifies County Council's position.

My sincere apologies to any inconvenience caused. Please do not hesitate to contact me if you require any further information/clarification.

### Herts Archaeology

In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.

### Conservation

The Telephone Repeater Station is a circa 1940's single storey red brick built structure with a gabled clay tile roof with swept eaves supported on projecting brick eaves. It is a simple, unassuming building, set back slightly from Dudswell Lane, close to its junction with Tring Road. It is within the Green Belt.

The application proposes converting the former Telephone Repeater Station to a 1 bedroom house. The extension and raising of the eaves height would follow the existing wall lines and it is unlikely that the materials will be sufficiently well matched to give a seamless appearance to the resulting mix of old and new brickwork. This should be given further consideration.

Is the building structurally suitable for conversion in this way?

If the proposal is considered acceptable the windows should be metal framed and preferably have a grey / dark finish (to prevent the building from having an overly domestic appearance).

A number of trees / shrubs will have to be removed to facilitate this change of use and the change in boundary treatment will have some impact upon the character of the local area and should be considered.

### Herts Ecology

Hertfordshire Environmental Records Centre (HERC) has no species or habitat information for this property. However, there is a record of a known bat roost within 500m of the site. The telephone exchange is located close to the River Bulbourne and Grand Union Canal and there are a number of other high value ecological sites nearby. The nearest Local Wildlife Site (LWS), are within a 1 km of the application site and include: Hamberlins Wood & Breeche's Wood LWS, Little Dickshill Wood & Great Dickshill Wood LWS, Grassland E. of Swags Spring LWS. Ashridge Commons & Woods SSSI, and a further five LWS are also within a 2 km radius of the site.

The photos accompanying the application show a simple brick gable ended building with a pitched tiled roof. All the existing windows are bricked up and the vents covered. The roof and door also appear well sealed. The photos; taken in the spring, show the creeper/ivy covering the building to be dead and so unsuitable as a refuge for bats. Despite the area's high potential to support bats, based on the condition of the building and apparent dearth of opportunities for entry, I do not consider any surveys are required.

As a precaution, the following **Informative** should be attached to any consent given:

*“In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.”*

Further to the above I am not aware of any other ecological constraints with regards the site and the application can be determined accordingly."

## Appendix B

### Neighbour notification/site notice responses

#### Objections

Address	Comments
1 TRING ROAD, DUDSWELL, BERKHAMSTED, HP4 3SF	<p>This is almost unbelievable. Planning was granted for an unoccupied building. Now suddenly, it is a dwelling in the exact spot on the road where a number of local residents are fighting an application by 5, Tring Road to increase the traffic many fold at an extremely dangerous junction. Work is already going ahead on increasing the risks here by the addition of two four bedroom dwellings going up at 3, Tring Road, directly opposite this application. We have much official evidence of highly speeding traffic at this point, some vehicles exceeding 60mph on a regular basis. The driveway for this application joins the highway at an incline and directly where this junction is at its most dangerous, with a Kindergarten attached. What on earth are Highways thinking of? Have they been to this site? Have they seen the real risk other than from Google in an office chair? Junctions, bus-stops provoking crossing of double white lines, Sports ground, Kindergarten, 6 roads and drive exits for scores of cars daily, speeding trucks, vans and cars, many cyclists, all intersect at exactly this point. Please arrange for Highways to come and inspect the site and if not, let us have a name whose decision this is so that we can let them know personally when the next accident happens here. I am happy to supply Highways with a copy of a professional speed survey carried out recently by a company that many Authorities use. It makes harrowing reading.</p>
3a Birch Road, Northchurch, HP4 3Q	<p>What a surprise! Having been granted planning application for an office, they now want to build a house. This will only add traffic to the dangerous junction, we are currently objecting to the build of 4 houses to the rear of 5 Tring Road, 3 Tring Road will become 2 four bedroom houses and now this application. This junction consists of 5 road and drive exits, this includes a nursery (5 days a week), bus stops and lay by.</p>

A respected professional speed survey was completed recently and provided proof of the excessive speeds that this junction experiences.

I have attached a photograph I took during a rush hour morning, this clearly shows the danger that happens on a regular basis – a bus collecting school children, a vehicle overtaking across double white lines and a car exiting the nursery attempting to turn right towards Tring. If you add the possibilities of 19/20 extras vehicle attempting access to the junction, I hope you understand that this junction will be more a danger to life or limb than it is now!

Another point is that to access the repeater building you have to drive in and reverse out or vice versa.

Let's imagine a car reversing out of the repeater building, a school / local bus in the bus stop, parents leaving the nursery, the normal rush hour traffic, cars leaving Dudswell Lane and cars leaving the proposed developments all at the same time, which is extremely possible, then carnage could ensue.

What benefit is there of changing use of this building apart from adding to the possibility of a serious accident.