

ITEM NUMBER: 5d

20/03878/FUL	Pergola to front entrance (temporary planning permission (2 years)).	
Site Address:	Boxmoor Coffee & Wine Ltd 67A St Johns Road Hemel Hempstead Hertfordshire HP1 1QG	
Applicant/Agent:	Claire Hobson	Mark Biddiss
Case Officer:	Aneeka Shah	
Parish/Ward:	N/A	Boxmoor
Referral to Committee:	Elected Member is Applicant	

1. RECOMMENDATION

That temporary planning permission be GRANTED subject to conditions.

2. SUMMARY

2.1 The application relates to a commercial property on the south side of St Johns Road. The application was submitted due to the impact of COVID-19 restrictions. The retractable structure would enable outdoor seating during operating hours of the cafe and therefore support the establishment. As it is uncertain how long some form of social distancing measures will be in place for, the proposal is considered reasonable due to current circumstances.

2.2 The proposed temporary development through size, position and design would not detriment the appearance of the existing building or street scene. Furthermore, the proposal would not adversely impact the residential amenity of neighbouring residents or the heritage of these assets. The proposal is therefore in accordance with Policies CS4, CS10, CS11, CS12 and CS27 of the Core Strategy (2006-2031) and the NPPF (2019).

3. SITE DESCRIPTION

3.1 The subject property is located on the south side of St John's Road, diagonally opposite the lower junction of Puller Road. The immediate stretch of St John's Road is characterised by a mix of terraced units featuring a range of uses with residential accommodation above; there is no overall character to the area.

The site is located within a high street in Boxmoor. Adjoining this site is a dog grooming shop which forms the lower floor of a two storey Victorian villa. The remaining properties within this part of St John's Road are predominantly residential.

4. PROPOSAL

4.1 This application seeks planning permission for a temporary pergola to the front entrance of the Coffee & Wine Café.

4.2 The pergola would be 3310mm in height, it would project out by 2270mm and the overall width would be 4400mm approximately. The structure would project approximately 40mm in front of the adjacent dog grooming shop. The roof would be made from poly carbonate and the side and front will be a transparent retractable curtain walls supported by a dark grey metal frame.

5. PLANNING HISTORY

Planning Applications (If Any): None

Appeals (If Any): None

6. CONSTRAINTS

CIL Zone: CIL3
Former Land Use (Risk Zone):
Residential Character Area: HCA7
Parking Standards: New Zone 3
Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction

DBLP Policy 43 – Shopping Areas in Local Centres

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity;

Principle of Development

9.2 The site is located within the Town of Hemel Hempstead, wherein CS Policy 4 states that, 'Development will be guided to the appropriate areas within settlements'. Furthermore, the site is located in Boxmoor Local Centre wherein, in accordance with DBLP Policy 43, a minimum level of shopping choice should be protected. This application would support the current business on site and is therefore acceptable in principle, subject to the design, heritage and neighbour amenity points discussed below.

9.3 Under the latest Business and Planning Act 2020 temporary measures to support businesses while social distancing measures are in place. For example, the expectation is that local authorities will grant pavement licences for 12 months unless there are good reasons for this to be a shorter period. Therefore the proposal is considered acceptable and should be supported.

Quality of Design / Impact on Visual Amenity

9.4 Policies CS11 and CS12 of the Core Strategy (2006-2031) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

9.5 Given the relatively small scale of the proposal and that the canopy would be transparent, retractable and light in structure it is considered that the proposed development would not have a detrimental impact upon the character and appearance of the area. Furthermore, the proposal would extend 0.4m beyond the adjacent dog grooming shop and therefore would be mostly hidden when viewed from the West side of St. Johns Road. The proposal therefore complies with these policies.

Impact on Heritage Assets

9.6 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities should have special regard to preserving the setting of listed buildings. This requirement should be given great weight in the planning process.

9.7 Paragraph 193 of the Framework states that great weight should be given to the conservation of heritage assets when considering the impact of a proposed development. Policy CS27 requires development to protect, conserve and where appropriate enhance the integrity, setting and distinctiveness of heritage assets.

9.8 The application site is immediately adjacent to a group of grade II listed flint built residential properties, as such the setting of these designated assets needs to be carefully considered. The setting of these listed buildings already consists of commercial businesses to their west, whilst the proposal is a temporary, light, mainly transparent structure. As such it is concluded that the impact on the significance of the heritage assets would be less than substantial.

9.9 In accordance with Paragraph 196 of the NPPF it is necessary to consider whether there are public benefits that outweigh the less than substantial harm described above.

9.10 Due to current government guidance around COVID-19, the pergola would provide more space for social distancing and therefore improving the health and safety of customers. This would also have economic benefits allowing the business to remain operational with an increased seating

capacity. The business also provides social benefits to the local residents and it is also important to support this establishment during the current COVID-19 pandemic.

9.11 Overall it is considered that these social, economic and health benefits outweigh the less than substantial harm to the significance of the surrounding heritage assets in accordance with the NPPF and Policy CS27 of the Core Strategy. It is nevertheless very important to note that the heritage balance only falls in favour of the development due to the current pandemic circumstances.

Impact on Residential Amenity

9.12 Given the position of the pergola and that the side curtain walls would be transparent and retractable, it is considered that the proposal would not have an adverse impact to daylighting on the neighbouring residential property. Furthermore, the orientation of the development means that neighbouring properties would not suffer any loss of sunlight as a result of these proposals.

9.13 As this application creates a covered area for customers, it is likely that customers will stay at the premises for longer and this could increase noise levels. However, it is not considered that the proposals could be refused on noise disturbance grounds for three reasons. Firstly, when retracted the pvc material itself would act as a noise dampener. Secondly, Boxmoor Coffee & Wine Ltd is open during the hours when any nuisance caused by noise is likely to be much lower of (8 a.m. to 4 p.m. Monday to Thursday; 8 a.m. to 9 p.m. on Friday; 9 a.m. to 9 p.m. on Saturday; and 9 a.m. to 4 p.m. on Sunday). A condition would be added to any permission preventing the use of this area by customers other than between those hours. Thirdly, the site is located within a relatively busy street where the ambient noise during the premises' opening hours is already higher than other residential areas, such as cul-de-sacs. Overall, it is considered that these factors should mitigate any noise impacts arising from this development.

9.14 Should there be an unexpected and unreasonable noise impact arising from the use of this development, the Council's ECP Department has powers, such as a Noise Abatement Notice, to take further formal action as deemed necessary and appropriate.

9.15 Overall the proposal is not considered to have an unacceptable impact on residential amenity in accordance with Policy CS12.

Impact on Highway Safety and Parking

9.16 The proposal would not have an impact to car parking arrangements of the property as there currently are no off street car parking spaces.

9.17 It is worth noting that the safety aspect of parking a car in the driveway of the adjacent residential property has been taken into consideration. However as the existing driveway slopes downwards, and combined with the existing wall on the shared side boundary, any views of pedestrians are already obstructed.

Other Material Planning Considerations

9.18 The original proposal was for a permanent retractable structure. The Conservation & Design Officer did not have any issue with the retractable canopy, however the appearance of the side wall was of concern. Following these comments the application was then amended for a temporary structure (2 years) which the Conservation & Design Officer supports due to the current social distancing measures.

9.19 There are no land contamination issues associated with this application.

Response to Neighbour Comments

9.20 No Neighbour comments received.

Community Infrastructure Levy (CIL)

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

10. CONCLUSION

10.1 To conclude, the proposed development through its design, scale and finish will not adversely impact upon the visual amenity of the immediate street scene or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Saved Appendices 3 and 5 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11, CS12 and CS27 of the Core Strategy (2006-2031) and the NPPF (2019).

11. RECOMMENDATION

11.1 That temporary planning permission be **GRANTED** with conditions.

Condition(s) and Reason(s):

1. **This permission is for a limited period expiring 24 months from the date on the decision notice by which time the use of the temporary pergola structure shall cease and it shall be permanently removed in its entirety from the site.**

Reason: This proposal is only considered to be acceptable due to the current circumstances around COVID-19. To make sure that any less than substantial harm to the heritage assets is temporary in accordance with Policy CS27 of the Dacorum Borough Core Strategy (2006-2031) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

**Location Plan
Planning Drawings – 01 Rev B**

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

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the approved Drawing 01 Rev. B. For the avoidance of doubt the proposed PVC curtain walls shall be of a transparent material.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2006-2031).

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.
Conservation & Design (DBC)	<p>04.01.2021 If it were a temporary structure and permission granted on a time-limited basis (and for Covid reasons) then that should be OK.</p> <p>15.01.2021 The application site is immediately adjacent to a group of grade II listed flint built properties, as such the setting of these designated assets needs to be carefully considered.</p> <p>It is not clear from the plans what the external appearance of the canopy and side walls would be and also how permanent it would be? A retractable canopy would not be an issue but the appearance of the side walls could be. If the applicant does wish to pursue this option more information is needed including photos of similar canopies / polycarbonate walls etc. I cannot visualise it / have never come across a proposal of this type!</p> <p>If they are wishing to create a more permanent form of enclosure / seating area to the front courtyard of the property then a glazed structure with aluminium frame may be preferable. Again, we would need details of appearance and any signage etc</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
6	0	0	0	0

Neighbour Responses

Address	Comments
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