

ITEM NUMBER: 5d

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| 20/02464/FUL | Proposed change of use of existing agricultural stable block into residential dwelling | |
| Site Address: | Six Acres Farm Hollybush Lane Flamstead Hertfordshire AL3 8DG | |
| Applicant/Agent: | Burbury | Mr Tim Gebhard |
| Case Officer: | Heather Edey | |
| Parish/Ward: | Flamstead Parish Council | Watling |
| Referral to Committee: | | |

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

2.1 The proposed development is considered to be acceptable in principle, in accordance with the exceptions for appropriate development in the Green Belt as set out under Paragraph 150 of the NPPF (2021). The proposal is also considered to be acceptable in design terms, harmonising with the character and appearance of the surrounding area. Furthermore, given the scale and nature of the works and the positioning of the site in relation to neighbouring properties, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy.

2.2 The proposal is not considered to give rise to highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would also be provided for future occupiers of the site in line with the relevant policies. Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS5, CS8, CS12, CS29 and CS35 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004).

3. SITE DESCRIPTION

3.1 The application site comprises a six acre patch of agricultural land, with a derelict 'L' shaped stable block and partially constructed barn, situated on the southwest side of Hollybush Lane, just outside the designated village of Flamstead. The site falls within the Metropolitan Green Belt and is adjacent to the Chilterns Area of Outstanding Natural Beauty. The site is subject to an Article 4 Direction, preventing the existing fields from being subdivided into smaller paddocks.

3.2 The existing 'L' shaped stable block comprises a single storey height, and is externally finished in low quality concrete roof tiles and painted render walls. Though previously used to house livestock and provide associated storage facilities, the building is currently derelict and in a poor state of repair, and is not in use.

3.3 Under previous planning application 4/01021/09/FUL, consent was granted for the construction of a single storey barn with a shallow pitch roof, to be positioned alongside the existing stable block. Though construction works for the barn were started in 2011, these works have not been completed. The agent has confirmed that the applicant intends to complete these works in the event that the works proposed under the application are approved. Once completed, the new barn will be used to store machinery, a tractor, straw, hay and animal feed.

3.4 Whilst the application site is predominantly flat, a landscape bund conceals the existing stable block and partially constructed barn from longer countryside views. These buildings are positioned

significantly set back from Hollybush Lane, behind high trees, shrubs and hedges and as such, are not visible from this public vantage point.

4. PROPOSAL

4.1 Planning permission is sought to change the use of the existing 'L' shaped stable block from agricultural to residential use, creating a new two bed dwelling with a bathroom, living room and kitchen/dining area. In order to facilitate this change of use, the application proposes a number of modest external alterations to the stable block, including cladding external walls in blackened timber, the installation of an extensive sedum green roof to outward facing roof slopes, and the installation of dark pressed metal with photovoltaic panels on the inward facing roof slope. A new hardwood timber door and hardwood timber windows would also be inserted.

4.2 The application also proposes the change of use of a small area of land behind the stable block from agricultural to residential use, providing a small area of private amenity space for the occupiers of the site.

5. PLANNING HISTORY

Planning Applications (If Any):

4/01021/09/FUL - New barn (amended scheme)
GRA - 1st September 2009

4/00463/09/FUL - New barn (amended scheme)
REF - 18th May 2009

4/00318/09/FUL - front boundary fence and gates (amended scheme)
GRA - 24th April 2009

4/00041/09/FUL - New barn
REF - 27th February 2009

4/02517/08/FUL - Front boundary fence and gates
REF - 16th February 2009

4/00555/08/FUL - Construction of barn and conversion of stable block into dwelling. erection of post and rail and sheep wire fencing
REF - 7th May 2008

4/00653/07/RET - Metal security fencing
REF - 10th May 2007

Appeals (If Any):

6. CONSTRAINTS

Article 4 Directions: Flamsted Area No 2 1975 (Watlings View)

Article 4 Directions: Flamsted Area No 1 1973 (Watlings View)

CIL Zone: CIL2

Green Belt: Policy: CS5

Parish: Flamstead CP

RAF Halton and Chenies Zone: Yellow (45.7m)

SPD Zone 3

EA Source Protection Zone: 3

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 2021)
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
CS5 – Green Belt
CS10 - Quality of Settlement Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

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; and
The impact on highway safety and car parking.

Principle of Development

9.2 The application site falls within the Metropolitan Green Belt. Paragraph 137 of the NPPF (2021) attaches great importance to Green Belts, noting the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore, Paragraph 138 of the NPPF (2021) states that the Green Belt serves five purposes; to check the unrestricted sprawl of large built-up areas, prevent neighbouring towns merging into one another, assist in safeguarding the countryside from encroachment, preserve the setting and special character of historic towns and assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.3 Whilst national policy restricts development in the Green Belt, the NPPF (2021) later goes on to list exceptions to this rule. Paragraph 150 of the NPPF (2021) states that some forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These exceptions include 'd) the re-use of buildings provided that the buildings are of permanent and substantial construction' and 'e) material changes in the use of land.'

9.4 Local policy aligns with national policy when defining appropriate development in the Green Belt. Policy CS5 of the Core Strategy (2013) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. This policy also notes that small-scale development, (i.e. the appropriate reuse of permanent, substantial buildings) is permitted in the Green Belt, provided the works have no significant impact on the character and appearance of the countryside and support the rural economy and maintenance of the wider countryside.

9.5 The application seeks permission to change the use of the existing 'L' shaped stable block from agricultural to residential use, creating a new two bed dwelling with a bathroom, living room and kitchen/dining area.

9.6 Government legislation is predominantly in favour of the conversion of agricultural buildings into dwellinghouses, with legislation under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 enabling the change of use of a building, land within its curtilage and any associated building operations required to facilitate this conversion to be completed under a Prior Approval process, (i.e. without requiring formal planning consent). Whilst the proposed development would not fall under this legislation, the existing stable block is considered to be a building of permanent and substantial construction in accordance with the exception set out under criteria d), and as such, the re-use of this building is considered to be acceptable in principle in accordance with national and local planning policy.

9.7 The application also proposes the provision of a small area of private amenity space behind the existing stable block. Given that this area of land would be altered from agricultural to residential use, this element of the proposed works would reflect a material change in the use of the land.

9.8 As the proposed works would fall under the exceptions set out under Paragraph 150 of the NPPF, the key issue of consideration to the application is whether the works would preserve the openness of the Green Belt, and not conflict with the purposes of including land within it.

9.9 In order to facilitate the change of use of the existing stable block, a number of external alterations would be made to the building, including changes to the existing material finishes, (i.e. cladding external walls in blackened timber, the installation of an extensive sedum green roof to outward facing roof slopes, and the installation of dark pressed metal with photovoltaic panels on the inward facing roof slope), and the insertion of new openings, (i.e. a new hardwood timber door and hardwood timber windows). Given the modest scale of the works, it is not considered that this element of the proposal would have an adverse impact on the openness of the Green Belt or would conflict with the purposes of including land within it.

9.10 The proposal would also involve the change of use of a small area of agricultural land in order to create a small area of private amenity space and associated creation of a formal parking area. Given the scale and nature of these works, it is not considered that these elements of the proposal would detract from the characteristic openness of the Green Belt or that these works would conflict with the purposes of the Green Belt, as set out under Paragraph 137 of the NPPF (2021).

9.11 Given the above assessment, the proposal is considered to be acceptable in principle, according with Policy CS5 of the Core Strategy (2013) and the relevant sections of the NPPF (2021).

Quality of Design / Impact on Visual Amenity

9.12 The NPPF (2021) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policy CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.

9.13 The existing 'L' shaped stable block is currently derelict and in a poor state of repair, comprising a single storey height, painted render walls and low quality concrete roof tiles. The proposal would improve the external appearance of this building, cladding external walls in blackened timber, installing a sedum green roof to outward facing roof slopes and dark pressed metal with photovoltaic panels to the inward facing roof slope.

9.14 In the submitted Design and Access Statement, the agent notes that the proposed external finishes have been selected to be in keeping with timber barns in the area and wider countryside, whilst the green roof has been proposed to soften the external appearance of the building.

9.15 The Conservation and Design Officer was consulted in relation to the proposal and raised no objection to the works, considering the proposed development to be acceptable in principle and design terms. They did however question the proposed green roof finishes, suggesting the insertion of slate tiles would be more appropriate. Given that the existing stable block is situated within the Green Belt, it is considered that the proposed green roof would be acceptable, noting that it would soften the external appearance of the dwelling.

9.16 The Parish Council have raised objection to the scheme, raising concerns that the proposal would reflect overdevelopment of the site and as such, would be harmful to the Green Belt.

9.17 No additional built form has been proposed as part of the current application, noting that the proposed works would result in modest alterations to the external appearance of the existing stable block and the creation of a small area of private amenity space. The existing stable block is concealed behind a landscape bund and is positioned significantly set back from Hollybush Lane, behind high trees, shrubs and hedges and as such, is not visible from any public vantage points and is screened from longer countryside views. Furthermore, the application site is considered to be of sufficient scale to accommodate the facilities required for the building to function as a dwellinghouse, given that the site would accommodate sufficient off-street parking provision, refuse storage facilities and private amenity space, as required by occupants of a two-bed dwelling. Taking all of this into account, it is not considered that scheme would constitute overdevelopment or the site or be harmful to the openness of the Green Belt.

9.18 Taking everything above into account, the proposed development is considered to be acceptable in design terms, respecting the character and appearance of the surrounding built environment and landscape setting. The proposal is therefore accords with Policies CS11 and CS12 of the Core Strategy (2013) and the NPPF (2021).

Impact on Chilterns Area of Outstanding Natural Beauty (AONB)

9.19 Whilst situated outside of the Chilterns AONB, the Chilterns AONB is situated to the south west of the site. Policy CS24 of the Core Strategy (2013) seeks to ensure that new development preserves the special qualities of the AONB, and that the scarp slope is protected from development that would have a negative impact on its skyline. Furthermore, the Chilterns Building Design Guide (2010) provides specific design guidance for the conversion of farm/agricultural buildings in the

AONB, stating that the appearance of the building should not be radically altered, the number of new openings should be limited and that development of this type should seek to retain as much of the original structure as possible.

9.20 The proposed development would involve the conversion of an existing stable block into a residential dwelling. Whilst new openings would be inserted in order to facilitate this change of use, it is considered that these openings have been limited in number and are of an acceptable proportion and scale.

9.21 The existing stable block structure would largely be retained as part of the proposed works, and the external appearance of the building would not be significantly altered, with the proposed material additions selected to ensure that the rural character of the building is retained. Taking this into account and noting that the resultant residential dwelling would remain modest in terms of its height and scale, it is considered that the proposal would retain the special qualities of the AONB, having no adverse impacts on its skyline. With this in mind, the proposal accords with Policy CS24 of the Core Strategy (2013) and the Chilterns Building Design Guide (2010).

Impact on Residential Amenity

9.22 The NPPF (2021) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.23 Given the scale and nature of the proposed works and the positioning of the existing stable block in relation to neighbouring properties, it is not considered that the proposed development would have an adverse impact on the residential amenity of neighbouring buildings by being visually overbearing or resulting in a significant loss of light or privacy.

9.24 The proposed new dwelling and associated facilities would be situated within close proximity of the approved barn. Whilst it is intended that the applicant would occupy the converted new dwelling, utilising the approved barn to support the agricultural use of surrounding land within their ownership, it is important to ensure that high standards of amenity would be secured for future occupiers of the dwelling, should there be any future changes to this arrangement.

9.25 Given the use, scale and design of the approved barn and noting its positioning on the site, it is not considered that this structure could be used to facilitate any harmful overlooking of the new dwelling or its associated amenity space, or that it would adversely affect the residential amenity of the new dwelling by being visually overbearing or resulting in a significant loss of light.

9.26 Given the above assessment, the proposal is considered to be acceptable in terms of its impact on residential amenity. As such, the proposal accords with Saved Appendix 3 of the Local Plan (2004), Policy CS12 of the Core Strategy (2013) and the relevant sections of the NPPF (2021).

Impact on Highway Safety and Parking

9.27 The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Saved Policy 58 of the Local Plan (2004) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

Highway Safety

9.28 The Parish Council have raised objection to the proposal, noting that the access connecting the site to Hollybush Lane is on a bend with poor sight lines.

9.29 The proposal would not involve any alterations to the existing site access. The existing parking arrangements would also remain unchanged. In light of this, it is not considered that the proposed change of use of the site would generate significantly higher levels of traffic movements or that the proposal would give rise to highway or pedestrian safety concerns.

9.30 Hertfordshire County Council were also consulted in relation to the scheme as the Highways Authority and raised no objection in this regard.

Parking

9.31 Given its use, the previously approved barn does not generate any requirements for parking provision to be provided. The site currently provides off-street parking provision for two cars. The Parking Standards Supplementary Planning Document (2020) sets out the Council's parking standards, stating that a two bed dwelling in this area would require 1.5 parking spaces. Given that the proposed works would not alter the existing parking arrangements, the proposal would exceed the Council's parking standards, retaining sufficient off-street car parking provision for current and future occupiers of the site.

9.32 The Parking Standards Supplementary Planning Document (2020) also notes that provision should be made on site for electric vehicles, with active provision, (i.e. a socket connected to the electrical supply system for vehicles to plug their vehicle into), made available for half of the spaces provided and passive provision, (i.e. a network of cables and power supply provided to enable the future installation of a socket), made available for all other spaces. Given that no details have been provided in support of the application to clarify the proposed arrangements for electric vehicles, it is recommended that a condition be attached to the formal planning consent ensuring that the required provision for electric vehicles is provided.

9.33 In light of everything considered above, the proposed development is considered to be acceptable in terms of its impact on highway and pedestrian safety, also retaining sufficient off-street car parking provision for current and future occupiers of the site. The proposal therefore accords with Policies CS8 and CS12 of the Core Strategy (2013), Saved Policy 58 of the Local Plan (2004), the Parking Standards Supplementary Planning Document (2020) and the relevant sections of the NPPF (2021).

Other Material Planning Considerations

Approved Barn

9.34 Under previous planning application 4/01021/09/FUL, consent was granted for the construction of a single storey barn with a shallow pitch roof, to be positioned alongside the existing stable block.

9.35 The Parish Council have raised objection to the scheme on the grounds that there is no evidence that the barn approved under the above application has been constructed. They have also raised concerns that this barn would set a precedent for another stable block in the valley, thereby leading to further infilling and detracting from the rural character of the area.

9.36 The agent has confirmed that construction works on the barn were started in 2011, and has stated that these works will be completed in the event that the works proposed under the application are approved.

9.37 The barn referenced by the Parish Council was approved under application 4/01021/09/FUL. Given that this application does not propose any alterations to this barn, it is not considered that a refusal of the scheme in this regard could be sustained.

Amenity Space

9.38 Saved Appendix 3 of the Dacorum Borough Local Plan (2004) seeks to ensure that new development retains sufficient private amenity space for future occupiers, stating that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. This policy goes on to note that a reduced rear garden depth may be acceptable in some cases, in particular, for small homes and development backing onto or in close proximity, to open land, public open space or other amenity space and that these gardens should be of a width, shape and size to ensure the space is functional.

9.39 Though falling short of the average minimum depth set out under Saved Appendix 3 of the Local Plan (2004), the site backs onto open land. Furthermore, given its width, shape and size, the proposed private amenity space is considered to be functional and of suitable scale to provide high standards of amenity to future occupants of the site. As such, no concerns are raised in this regard.

Impact on Trees and Landscaping

9.40 The Conservation and Design Officer has noted that the domestication of the wider site should be avoided in order to preserve the rural character of the site and surrounding area. In light of these concerns, it is recommended that a condition be attached to the formal planning consent requiring additional details be submitted in relation to the proposed boundary treatment and landscaping arrangements.

Waste Management

9.41 Formal details in relation to waste storage and collection arrangements have not been provided. It is therefore recommended that a condition be attached to the formal planning consent requiring these be provided.

Contamination

9.42 The DBC Scientific Officer was consulted on the proposal to ensure that the proposal would not give rise to any concerns in relation to ground contamination. They have raised no objection to the works, subject to two conditions being attached to the formal planning consent.

Ecology

9.43 Given the rural character of the site and the nature of the proposed works, concerns were raised that the proposal could adversely affect bats. As such, the County Ecologist was consulted in this regard.

9.44 Following their consideration of the submitted Preliminary Roost Assessment (dated May 2021) and follow up Emergence and Activity Bat Survey (dated July 2021), the County Ecologist has confirmed that the proposal is unlikely to adversely affect bats, and that the Local Planning Authority have sufficient information to determine the application. Given that bats are known to be present within the immediate area, they have however advised that an informative be attached to the formal planning consent, clarifying the process that the applicant would be expected to follow should any bats be discovered whilst carrying out the proposed works.

Response to Neighbour Comments

9.45 No neighbour comments or objections have been received.

Community Infrastructure Levy (CIL)

9.46 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 1st July 2015. The application is CIL liable.

10. CONCLUSION

10.1 It is recommended that the application be approved.

10.2 The proposed development is considered to be acceptable in principle, in accordance with the exceptions for appropriate development in the Green Belt as set out under Paragraph 150 of the NPPF (2021). The proposal is also considered to be acceptable in design terms, harmonising with the character and appearance of the surrounding area. Furthermore, given the scale and nature of the works and the positioning of the site in relation to neighbouring properties, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. The proposal is not considered to give rise to highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would also be provided for future occupiers of the site in line with the relevant policies. Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS5, CS8, CS11, CS12, CS29 and CS35 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004).

Condition(s) and Reason(s):

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

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

- 2. The development hereby permitted shall be constructed in accordance with the materials specified on the application form and approved plans.**

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 (2013).

- 3. Prior to first occupation of the development hereby approved, full details of both hard and soft landscape works will be submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- waste storage/collection arrangements

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 2 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

4. **(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**
- (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- (ii) The results from the application of an appropriate risk assessment methodology.**
- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.**
- (d) This site shall not be occupied, or brought into use, until:**
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

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).

5. **Any contamination, other than that reported by virtue of Condition 4 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this**

process because the safe development and secure occupancy of the site lies with the developer.

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).

6. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

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

**1094-210
1094-211
1094-212
1094-012
1094-112
1094-011 Rev A
1094-111
1094-110
1094-G01 Rev A
1094-201
Planning Statement (July 2020)**

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

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.

2. **CONTAMINATED LAND INFORMATIVE**

The recommended contamination conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

3. HIGHWAYS INFORMATIVE

AN1) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

4. ECOLOGY INFORMATIVE

If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
|--|---|
| Parish/Town Council | <p>The PC objects to this application.</p> <p>There is no evidence of any construction of a barn having been begun. This would set a precedent to allow construction of any other stable block in this valley. It represents overdevelopment and would ruin the open aspect of the Green Belt in an area where there is only pastoral land. It could also lead to infill which would ruin the rural aspect of the area.</p> <p>The egress on to Hollybush Lane is also on a bend with poor sight lines.</p> |
| Conservation & Design (DBC) | <p>The existing stable block is rendered with a clay tile low pitch roof, the site lies within the Green Belt.</p> <p>If the principle of residential use is deemed acceptable in the Green Belt I would question the use of a green roof and recommend slate as an alternative (with PV panels to inner facing roof slopes). The domestication of the wider site should be avoided and boundary treatment / landscaping / external materials conditioned.</p> |
| Environmental And Community Protection (DBC) | <p>Having reviewed the application documents I am able to confirm that there is no objection to the proposed development. However, because the application is for the introduction of a residential land use on a site with a historical agricultural land use and a site that has been previously developed, I am recommending the following planning condition.</p> <p>Contaminated Land Conditions:</p> |

Condition 1:

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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.

Condition 2:

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| | <p>Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>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.</p> <p>Informative: The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p> |
| Hertfordshire Highways (HCC) | <p>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.</p> <p>Advisory Note.</p> <p>Informative: I recommend inclusion of the following advisory note to ensure that any works within the highway are to be carried out in accordance with the provisions of the highway Act 1980. Mud on highway</p> <p>AN1) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other</p> |

debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Planning Application

The planning application is for change of use of existing agricultural stable block into residential dwelling

Site and surrounding

The site is a derelict 6-acre patch of agricultural land with an existing stable block accompanied with a part constructed recently approved permission for a new barn planning reference 4/01021/09/FUL. The site is known as Six Acres farm off Hollybush Lane, Local Road Network.

The site is situated 0.5 miles from Farmstead's centre and 5 miles from Luton town. The existing access to the application site is from Hollybush Lane. Hollybush lane is an unclassified road serving a number of properties as well.

Planning History

Application No 4/01021/09/FUL ; New Barn . grant planning permission.

The barn was intended to fulfil the agricultural operations for the site. On-site residential accommodation to support the associated land operation. Construction of the barn has commenced but not completed.

Accessibility

In terms of accessibility the application site is a farmland and the proposal is for an on-site residential accommodation. The site is surrounded by residential neighbourhood.

Access and Parking

The applicant is not proposing to alter the existing access from Hollybush Lane. The existing parking is 2 spaces and the proposal is to retain the two spaces. Any additional vehicular trips associated with the proposed development is unlikely to have any noticeable impact on the local road network.

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| | <p>Conclusion</p> <p>The Highway Authority does not wish to restrict the grant of consent.</p> |
| Hertfordshire Ecology | <p>Thank you for consulting Hertfordshire Ecology on the above application, for which I have the following comments:</p> <ol style="list-style-type: none"> 1. There are no biological records in the Hertfordshire Environmental Records Centre for this site. The impact of the proposal will affect an existing redundant building which forms part of an existing agricultural holding. I have no reason to object to the principle of the proposals on the grounds of ecology. 2. However, I note the application form stated that protected species were not considered to be present, but no evidence has been submitted to demonstrate this. I consider there is a reasonable likelihood of bats using the building, and if so, they would be affected by the proposals. 3. The location is within open countryside surrounded by grassland fields and adjacent to a scrub belt and other scrub vegetation, so the local landscape is almost certainly used by foraging bats. The building in question is clearly accessible by bats and has features potentially usable by cavity dwelling bats (the internal disused stables) and crevice dwelling bats (barge boards and potentially tiles, although most appear from the available photos to be in reasonable condition). However, this potential has not been professionally assessed and therefore remains unknown. 4. As bats are a European Protected Species (EPS), sufficient information is required to be submitted to the LPA prior to determination to enable it to consider the impact of the proposal on EPS and meet its legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended). <p>Currently the LPA is unable to determine the application as there is insufficient information to enable the LPA to ensure European Protected Species are not adversely affected by the proposal.</p> <ol style="list-style-type: none"> 5. Consequently, I advise that a Preliminary Roost Assessment (PRA) is undertaken by an ecological consultant, to assess the potential of the building for bats and provide appropriate advice accordingly. Any such inspection should follow established best practice as described in the Bat Conservation Trust Good Practice Guidelines, 3rd edition, 2016. 6. If evidence is found or potential confirmed, further surveys (emergence / re-entry) will be necessary to determine presence / |

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| | <p>absence and inform a licence application if one is needed. If the presence / absence surveys cannot be undertaken prior to determination, then an Outline Mitigation Strategy will need to be included within the PRA to inform the LPA as to how bats will be adequately considered if the application is approved.</p> <p>7. Based on the above, until a PRA has been undertaken and further surveys or recommendations provided as necessary, the LPA is not in a position to determine this application due to insufficient information.</p> |
| Hertfordshire Ecology | <p>A Preliminary Roost Assessment by Cherryfield (report date May 2021) of the building found no bats or evidence of bats but did assess it as having a low roosting potential due to the presence of access points. Consequently, following Bat Conservation Trust best practice guidelines, one nocturnal emergence / re-entry survey is required to determine presence/absence, and to provide appropriate mitigation to safeguard bats if present and affected. This survey can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm. Since we are now within the survey season this follow up surveys should be completed, and a suitable mitigation strategy devised as appropriate to the results.</p> <p>As bats are classified as European Protected Species (EPS) sufficient information is required to be submitted to the LPA prior to determination - so it can consider the impact of the proposal on bats and discharge its legal obligations under the 'Conservation of Habitats and Species Regulations' (2017) as amended.</p> <p>Consequently, I cannot advise this application is determined until the recommended bat surveys are undertaken and the results, together with any appropriate mitigation are submitted to the LPA for written approval. If a roost is to be affected, an EPS licence will also be required from Natural England to enable the proposals to be implemented, and consequently this may need to be factored into any development timescale.</p> |
| Hertfordshire Ecology | <p>Thank you for making me aware of the follow up bat report - Emergence and Activity Bat Survey, 28 July 2021 prepared by Cherryfield Ecology. Following an initial daytime Preliminary Roost Assessment in May 2021, when the building was assessed to have low potential for roosting bats, one follow on dusk emergence survey was recommended to determine presence/absence and provide appropriate mitigation if required.</p> <p>The nocturnal survey was undertaken on 27 July. Low numbers of bats were recorded flying (foraging/commuting) near the site, but no bats</p> |

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| | <p>were recorded emerging from the building. As roosting is not confirmed, no further surveys or mitigation licence is required for this proposal.</p> <p>I consider the LPA now has sufficient information on bats to satisfy the third test of the Habitats and Species Regulations 2017 (as amended) and for determination.</p> <p>As bats are known to be in the area, I advise a precautionary approach Informative is added to any permission granted:</p> <p>'In the event of bats or evidence of them being found during works, work must stop immediately, and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.'</p> |
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|--------------------------------|---------------------|----------------|-------------------|----------------|
| 0 | 0 | 0 | 0 | 0 |

Neighbour Responses

None.