

**ITEM NUMBER: 5b**

<b>21/04124/FUL</b>	<b>Change of use of ground floor from A1 (retail use) to fish and chip shop (sui generis). Installation of extractor flue pipe.</b>	
<b>Site Address:</b>	<b>98A High Street, Bovington, Hertfordshire, HP3 0HP</b>	
<b>Applicant/Agent:</b>	<b>Mr. Raveendrarahay</b>	<b>Mr. S Thanu</b>
<b>Case Officer:</b>	<b>Heather Edey</b>	
<b>Parish/Ward:</b>	<b>Bovington Parish Council</b>	<b>Bovington/ Flaunden/ Chipperfield</b>
<b>Referral to Committee:</b>	<b>Parish Objection and Councillor Riddick call-in request</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED.

**2. SUMMARY**

2.1 It is recommended that the application be approved.

2.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed development would not involve significant alterations to the external appearance of the existing building, with the only addition being the installation of an extractor flue. Given its modest scale and sympathetic matt black external finish, it is not considered that the proposal would detract from the character and appearance of the existing building or streetscene. The proposed development is also considered to be acceptable in terms of its impact on heritage assets, with the proposed extractor flue preserving the character and appearance of the Locally Listed terrace building group and Bovington Conservation Area.

2.3 Whilst the application makes reference to the installation of signage, the proposed plans are indicative only, given that formal advertisement consent is required to regularise these works. The proposed development is not considered to have any adverse impacts on the residential amenity of neighbouring properties, subject to the inclusion of conditions on the formal planning permission requiring further details of noise and odour omissions generated by the development and appropriate mitigation measures to be undertaken being submitted to and approved in writing by the Local Planning Authority.

2.4 Whilst generating increased trips, it is not considered that the proposal would have any adverse impacts on the safety and operation of the surrounding highway network. Furthermore, whilst generating a shortfall in off-street car parking provision, the submitted Parking Stress Survey is considered to sufficiently evidence that there are ample on-street car parking spaces in the immediate area to accommodate the proposed development. Given everything considered above, the proposal accords with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS27 and CS29 of the Dacorum Borough Core Strategy (2013), the Planning (Listed Buildings and Conservation Areas) Act 1990, Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

**3. SITE DESCRIPTION**

3.1 The application site comprises a two storey building, situated off the High Street in the Large Village of Bovington. The existing building forms the end of a Locally Listed terrace building group with staggered roof form, which makes a positive contribution to the character and appearance of Bovington Conservation Area, within which it is sited. The site falls within an Area of Archaeological Significance and is within a risk zone for land contamination.

## **4. PROPOSAL**

4.1 Planning permission is sought for the change of use of the existing building at ground level from A1 (retail use) to a fish and chip shop (sui generis use). In order to facilitate this change of use, the application also proposes the installation of an extractor flue pipe, comprising a matt black finish.

4.2 Whilst consent for the above works was previously sought for under application 20/00336/FUL, this application was withdrawn, in order to enable the Applicant additional time to address concerns raised by statutory consultees. In particular, environmental health and safety concerns were raised with regards to the internal layout of the fish and chip shop, (i.e. noting that it was originally proposed that the toilet area would open out into a food preparation area), and with regards to noise and odour generated by the development and its potential impact on the residential amenity of neighbouring properties/buildings. Given that the internal layout of the fish and chip shop has now been amended and noting that the Environmental Health Team have confirmed that a noise impact and odour assessment can be secured by way of condition, it is considered that the concerns raised under the previous application have been sufficiently addressed.

## **5. PLANNING HISTORY**

Planning Applications

20/00336/FUL - Change of Use from A1 (Retail) to A5 (Hot Food Takeaway)  
*WDN - 9th April 2021*

4/03729/14/FUL - Single storey storage outbuilding  
*GRA - 7th July 2015*

4/02507/14/FUL - Construction of single-storey outbuilding  
*WDN - 10th November 2014*

4/01747/05/FUL - Shutters to front windows and door  
*WDN - 23rd September 2005*

4/00062/00/FUL - Extension and change of use from retail shop to cottage  
*GRA - 12th June 2000*

4/01195/95/FUL - Single storey rear extension and new shopfront  
*GRA - 31st October 1995*

4/01687/89/FUL - Single storey rear extension & shopfront  
*GRA - 3rd January 1990*

## **6. CONSTRAINTS**

Area of Archaeological Significance: 48  
CIL Zone: CIL2  
Bovingdon Conservation Area  
Former Land Use (Risk Zone):  
Heathrow Safeguarding Zone: LHR Wind Turbine  
Large Village: Bovingdon  
Listed Building, Grade: Local,  
Parish: Bovingdon CP  
RAF Halton and Chenies Zone: Green (15.2m)

Parking Standards: New 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 (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  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

### Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)  
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 site falls within the Large Village of Bovingdon, wherein Policies CS1 and CS4 of the Core Strategy (2013) are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) guides new development to towns and large villages, noting that these areas of the Borough will accommodate

new development for housing, employment and other uses. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) encourages non-residential development for small-scale social, community, leisure and business purposes in this area, provided these uses are compatible with their surroundings.

9.3 The Parish Council have raised objection to the proposal on the grounds that the site is an unsuitable location for a new fish and chip shop. Given that the site falls within the Large Village of Bovingdon and Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013) encourage new development of mixed uses in this area, it is not considered that a refusal of the proposal on these grounds could be sustained.

9.4 In light of everything considered above, the proposed development is considered to be acceptable in principle, according with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).

#### Quality of Design/ Impact on Visual Amenity and Designated Heritage Assets

9.5 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, Policies CS11 and 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.

9.6 With regards to designated heritage assets, the NPPF (2021), Policy CS27 of the Core Strategy (2013) all seek to ensure that new development will protect, conserve and where possible enhance the integrity, setting and distinctiveness of designated and undesignated heritage assets. In addition, sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on local authorities to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which it possesses as well as to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

9.7 The application proposes the change of use of the ground floor of the existing building from A1 (retail use) to a fish and chip shop (sui generis use).

9.8 In order to facilitate the proposed change of use, the application originally proposed alterations to the shop frontage of the original building, these works involving the construction of a single storey front infill extension to provide a larger customer food collection area. Given that the existing building is considered to be of architectural interest, the Conservation and Design Officer raised objection to this element of the proposal, raising concerns that works to the front wall could result in the loss of the internal historic fabric of the building.

9.9 In light of the above concerns, the proposal has since been amended, with the proposed alterations to the shop frontage being removed from the scheme. In light of these changes, the only external alterations proposed to the existing building relate to the installation of a new extractor flue pipe and the insertion of new signage.

#### *New Extractor Flue Pipe*

9.10 The proposed extractor flue pipe is modest in scale and has been sympathetically positioned on the existing building to ensure that it does not appear a visually prominent addition to the building and wider streetscene.

9.11 Whilst raising no objection to this element of the scheme in principle, the Conservation and Design Officer requested that this addition comprise a matt black external finish. Given that the

Applicant has confirmed that the extractor flue would comprise this external finish, (i.e. as indicated on amended plan AD/21/HIG98A/PL02), it is considered that this addition would be acceptable in design/visual amenity terms and in terms of its impact on heritage assets, noting that it would preserve the character and appearance of the Locally Listed terrace building group, streetscene and Bovingdon Conservation Area.

### *Proposed Signage*

9.12 In connection with the proposed change of use of the site, the application originally proposed the installation of a non-illuminated fascia sign with trough lighting above the existing ground floor front projection. Whilst the Applicant has been advised that separate advertisement consent is required for the installation of signage to the exterior of the building, the positioning and scale of the proposed signage has been amended in order to address concerns raised by the Conservation and Design Team.

9.13 Whilst the Conservation and Design Team have raised no objection in principle to the current scale and positioning of the proposed signage, the Applicant has been advised that these works are not covered under the current planning application; full details of the design, scale and positioning of the proposed signage will need to be submitted to and approved by the Local Planning Authority by way of a formal advertisement consent application.

### *Conclusion on harm*

9.14 Given everything considered above, the proposal is considered to be acceptable in design/visual amenity terms and in terms of its impact on the Locally Listed terrace building group and Bovingdon Conservation Area. It is concluded that no harm is caused to these designated heritage assets. The proposal therefore accords with Policies CS11, CS12 and CS27 of the Core Strategy (2013), the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF (2021).

### Impact on Residential Amenity

9.15 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.

9.16 Given the nature of the development and scale/positioning of the new extractor flue, it is not considered that the resultant building would appear visually intrusive or result in a significant loss of light or privacy to neighbouring properties.

9.17 The site is however, surrounded by built form, including residential dwellings along the High Street and Ryder Close. Taking this into account, and given the nature of the development, concerns were however raised that the proposal could cause significant disturbance to neighbouring properties, by way of generating harmful levels of noise and offensive odours.

9.18 Whilst some information has been submitted in support of the current application in order to clarify how the above concerns would be addressed, the Environmental Health Team have confirmed that these details are insufficient, in particular, lacking the detail required to overcome noise and odour concerns.

9.19 With the above in mind, the Environmental Health Team have confirmed that additional details are required, detailing the levels of noise and emissions of fumes/odours likely to be generated by the development and outlining appropriate mitigation measures that would be undertaken in accordance with the relevant legislation (i.e. Commercial Kitchens: Control of Odour and Noise from

Commercial Kitchen Exhaust Systems by Ricardo Energy and Environment 2018). Whilst it was suggested that these details be obtained prior to determination of the application, the Environmental Health Team have confirmed that the current application can be determined, subject to two conditions being attached to the formal planning permission, requiring the Applicant to submit these details to the Local Planning Authority for approval prior to the commencement of the development.

9.20 The conditions set out by the Environmental Health Team are considered to meet the relevant tests, in particular, being both reasonable and necessary to ensure that the proposal would not cause significant disturbance to surrounding properties. The Applicant has agreed to the above pre-commencement conditions being attached to the formal planning permission.

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

#### Impact on Highway Safety and Parking

9.22 The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), the Parking Standards Supplementary Planning Document (2020) 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.

9.23 The Parish Council have raised objection to the development on the grounds that the proposal would create increased traffic and parking issues.

9.24 The proposal would not involve any changes to the existing site access or adjacent public highway. Whilst the proposal would intensify the use of the site, (i.e. generating increased trips to and from the site), the Highways Authority have raised no objection to the development in this regard, concluding that the proposal would be unlikely to have a significant impact on the safety and operation of the surrounding highway network.

9.25 With regards to parking, the application site would not provide any off-street car parking provision for users of the fish and chip shop. Given that the Parking Standards Supplementary Planning Document (2020) states that buildings of sui generis (formerly A5 uses) should provide one off-street car parking space per 3m<sup>2</sup> of floorspace of bar area, plus three spaces per 4 employees, the proposal would generate a shortfall of four off-street car parking spaces.

9.26 Paragraph 6.10 of the Parking Standards Supplementary Planning Document (2020) does however note that deviations to the Council's parking standards can be made where '*on-street parking stress surveys, (undertaken in accordance with the specification provided in Appendix C), indicate sufficient spare capacity or there is a controlled parking zone for the area or one is proposed and secured (new residents will not normally be allocated permits unless surveys show ample spare on-street capacity).*'

9.27 The Applicant has submitted a Parking Stress Survey in support of the application. Whilst this document notes that the proposal would generate a slight increase in parking stress in the surrounding area, (i.e. increasing levels from approximately 60% to 65%), the report concludes that the proposed development would not significantly worsen the existing parking situation, with ample on-street parking spaces available to accommodate customers of the new business.

9.28 Whilst the submitted survey largely accords with the specifications set out under Appendix C of the Parking Standards Supplementary Planning Document (2020), the method of data collection was altered to ensure that the data collected was of more relevance to the site location and nature of the proposed development. For example, data was collected across the proposed business hours when customers would be most likely to use the fish and chip shop, (i.e. between 11am and 10pm

on Thursday, Friday, Saturday and Sunday), and the survey was further limited to a 120m area, (i.e. rather than the 500m site area set out in Appendix C), given that it was considered that customers of the new business would be unlikely to want to travel further than a 1 minute walk from the site to their vehicle.

9.29 Given that the submitted Parking Stress Survey concludes that sufficient on-street parking is available in the immediate site area, it is considered that sufficient evidence has been provided in accordance with Paragraph 6.10 of the Parking Standards Supplementary Planning Document (2020) to justify the shortfall of parking generated by the development.

9.30 In light of everything considered above, it is not considered that a refusal of the scheme based on its impact on highway/pedestrian safety and on the proposed parking arrangements could be sustained or justified. The proposal is therefore acceptable on parking/highway safety grounds, in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), the Parking Standards Supplementary Planning Document (2020), Saved Policy 58 of the Local Plan (2004) and the NPPF (2021).

### Other Material Planning Considerations

#### *Contamination*

9.31 The site falls within a Former Land Risk Zone for contamination. In light of this, the DBC Scientific Officer was consulted on the scheme and asked to assess whether the proposal would be likely to give rise to any concerns in relation to ground contamination.

9.32 The DBC Scientific Officer has raised no concerns or objections to the scheme in this regard, noting that the proposal would not involve a change of use of the land or involve any significant ground works.

#### *Archaeology*

9.33 The site falls within an Area of Archaeological Significance. In light of this, the County Archaeologist was consulted on the scheme and asked to assess whether the proposal to have an adverse impact on heritage assets of archaeological interest.

9.34 Whilst no formal response has been received from the County Archaeologist, it is not considered that the proposal would generate any concerns in this regard, given the nature of the proposed development, (i.e. noting that the proposal would not involve any ground works). As such, no concerns are raised in this regard.

#### *Waste Management*

9.35 The Parish Council have raised concerns with regards to waste disposal, raising concerns that the proposed arrangements are inappropriate.

9.36 The proposed plans indicate that waste bins would be stored in the same position as existing bins, (i.e. sited to the front of the building, set back from the highway). Whilst no formal comments have been received from the DBC Waste Services Team with regards to these arrangements, it is not considered that a refusal of the scheme on these grounds could be sustained, given that waste disposal arrangements would remain largely similar to existing waste collection/disposal arrangements. Furthermore, consideration is also given to the fact that waste collection/disposal arrangements would be subject to formal controls and legislation outside of the planning process.

## Response to Neighbour Comments

9.37 Four neighbours have raised objection to the scheme, raising the following concerns:

- The proposed development would generate significant parking stress, increase traffic and generate highway/pedestrian safety concerns
- The proposed development would generate excessive odour/smells
- The proposed development is unacceptable in design terms, with the resultant building appearing out of keeping with surrounding development
- The proposed development would result in the loss of business for other food establishments operating in the area

9.38 The first three reasons for objections listed above, have been considered and assessed in more detail during earlier sections of the report. Given that the final reason for objection listed above fails to reflect a material planning consideration, it has not been further considered as part of the formal assessment of the current proposal.

## Community Infrastructure Levy (CIL)

9.39 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 granted planning permission.

10.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed development would not involve significant alterations to the external appearance of the existing building, with the only addition being the installation of an extractor flue. Given its modest scale and sympathetic matt black external finish, it is not considered that the proposal would detract from the character and appearance of the existing building or streetscene. The proposed development is also considered to be acceptable in terms of its impact on heritage assets, with the proposed extractor flue preserving the character and appearance of the Locally Listed terrace building group and Bovingdon Conservation Area.

10.3 Whilst the application makes reference to the installation of signage, the proposed plans are indicative only, given that formal advertisement consent is required to regularise these works. The proposed development is not considered to have any adverse impacts on the residential amenity of neighbouring properties, subject to the inclusion of conditions on the formal planning permission requiring further details of noise and odour omissions generated by the development and appropriate mitigation measures to be undertaken being submitted to and approved in writing by the Local Planning Authority.

10.4 Whilst generating increased trips, it is not considered that the proposal would have any adverse impacts on the safety and operation of the surrounding highway network. Furthermore, whilst generating a shortfall in off-street car parking provision, the submitted Parking Stress Survey is considered to sufficiently evidence that there are ample on-street car parking spaces in the immediate area to accommodate the proposed development.

Given everything considered above, the proposal accords with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS27 and CS29 of the Dacorum



Borough Core Strategy (2013), the Planning (Listed Buildings and Conservation Areas) Act 1990, Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

**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 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. **Before any mechanical services plant including refrigeration and kitchen extraction plant to which the application refers, is used at the premises, a scheme shall be submitted to and approved in writing by the local planning authority which demonstrates that the following noise design requirements can be complied with and shall thereafter be retained as approved.**

**The cumulative measured or calculated rating level of noise emitted from the mechanical services plant including refrigeration and kitchen extraction plant to which the application refers, shall not exceed the existing background noise level at all times the plant and equipment is in use. The measured or calculated noise levels shall be determined in accordance to the latest version of British Standard 4142.**

Reason: To protect the residential amenities of the locality, having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

4. **A scheme for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises shall be submitted to and approved in writing by the local planning authority. Any equipment, plant or process approved pursuant to such details shall be installed prior to the first use of the premises and shall be operated and retained in accordance with the approved details and operated in accordance with manufacturer's instructions.**

**The scheme shall reflect guidance, and risk assessment, set out in guidance Commercial Kitchens: Control of Odour and Noise from Commercial Kitchen Exhaust Systems (by Ricardo Energy and Environment 2018).**

Reason: To protect the residential amenities of the locality, having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

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

**Parking Stress Survey (Bovingdon Parking Survey)**

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

**Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. HIGHWAY INFORMATIVES

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

### 3. ADVERTISEMENT INFORMATIVE

Advertisement consent is required for the installation of new signage to the exterior of an existing building. As such, the signage shown on proposed plan AD/21/HIG98A/PL02 - Page 2 of 2 is indicative only; formal advertisement consent is required to regularise this signage.

#### APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p>A previous application for change of use to a fish and chip shop was withdrawn.</p> <p>Neil provided advice on the previous application and stated that the building is of architectural interest and could contain historic fabric. The proposed removal of a section of front wall could impact upon historic fabric and it would be useful if the applicant could provide some photos internally / advise on the construction of the property. A site visit may be needed.</p> <p>The position and design / finish of the flue to the rear is acceptable - it should have a matt black finish.</p> <p>The proposed enlargement of the front extension and introduction of a shopfront does create a more imposing façade, conservation would prefer to see the amended scheme (in previous withdrawn application) taken forward as an alternative to the current proposal. The previous scheme did not entail removal of the remaining section of wall to the front elevation which also raises concerns.</p> <p>The proposed shopfront has no signage zone so that creates an issue as it is presumed signage will be required? This should be indicated on the plans. Signage should be externally or possibly halo illuminated.</p> <p>Recommend the application is amended.</p>
Bovingdon Parish Council	<p>Object ' over development. Inappropriate position for a Fish &amp; Chip shop in conservation area and concern that it would create traffic and parking issues. Waste disposal arrangements are inappropriate / unacceptable as increased waste from Fish &amp; Chip shop.</p>
Environmental And Community Protection (DBC)	<p>An Officer visited the site last Friday and he confirms that the first floor of this building is not currently a dwelling. Accordingly, he thinks the proposed change of use can feasibly take place subject to conditions regarding noise and odour:</p> <p>I have reviewed the application and believe that the proposed change of</p>

use is possible subject to the appropriate assessment and control of noise and offensive odour associated with a commercial kitchen. I note that some information on the noise emission of some proposed plant and a rudimentary odour assessment has been submitted but these are insufficient in order for the Local Planning Authority (LPA) to be confident that local amenity will be safeguarded should the proposed development proceed.

I would suggest that the LPA holds determination of this application in abeyance until more detailed information becomes available on the noise impact of the proposed extraction system, et al, on neighbouring residential properties and also how offensive odours from cooking will be adequately abated. However, I would recommend the use of the following conditions should the LPA be minded to grant permission at this stage:

1) Before any mechanical services plant including refrigeration and kitchen extraction plant to which the application refers, is used at the premises, a scheme shall be submitted to and approved in writing by the local planning authority which demonstrates that the following noise design requirements can be complied with and shall thereafter be retained as approved.

The cumulative measured or calculated rating level of noise emitted from the mechanical services plant including refrigeration and kitchen extraction plant to which the application refers, shall not exceed the existing background noise level at all times the plant and equipment is in use. The measured or calculated noise levels shall be determined in accordance to the latest version of British Standard 4142.

2) A scheme for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises shall be submitted to and approved in writing by the local planning authority. Any equipment, plant or process approved pursuant to such details shall be installed prior to the first use of the premises and shall be operated and retained in accordance with the approved details and operated in accordance with manufacturer's instructions.

The scheme shall reflect guidance, and risk assessment, set out in guidance Commercial Kitchens: Control of Odour and Noise from Commercial Kitchen Exhaust Systems (by Ricardo Energy and Environment 2018).

#### CONTAMINATED LAND

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.
Affinity Water - Three Valleys Water PLC	Thank you for forwarding this application. We have reviewed the development and do not have any comments to make.
Hertfordshire Highways (HCC)	This is an interim response owing to concerns regarding the location for parking. From our highway boundary information it appears to show that the highway boundary reaches all the way up to the building. This would mean that the land fronting the dwelling is not suitable for parking owing to it having highway rights. It is acknowledged that the surrounding this area for parking, however, a simple to change to the plans illustrating that this area is no longer used for parking would mean that HCC Highways can deem the proposal acceptable.
Conservation & Design (DBC)	<p>There are no great issues with the amended proposal but I still think it would be helpful if the applicant could factor in where the shop signage will go and consider it at this stage. I can imagine shop signage will be required? We would not want to see a large fascia sign proposed above the roof of the ground floor projection / below the eaves of the main building.</p> <p>ADDITIONAL COMMENTS</p> <p>A small section of the main front wall (of 2 storey part) adjacent to the existing door opening is being removed but this is fairly minimal, so no photos required.</p> <p>A sign set above the eaves level of the front projection would look awkward. Could fascia signs be fitted either side of the proposed front door, in upper parts of the windows?</p> <p>Fascia signs should either form part of a shopfront or signage be located immediately above ground floor windows. The previous application indicated the signage would be located above the front extension - this would not be supported. No objections are raised to the current location of the proposed signage.</p>
Hertfordshire Highways (HCC)	<p>Decision</p> <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>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following</p>

Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

#### Comments

The proposal is regarding amendments for the change of use to a fish and chip shop. Installation of extractor flue pipe and shop front alterations at 98A High Street, Bovingdon. High Street is a 30 mph classified C local distributor route that is highway maintainable at public expense. The amendments were made to ensure that parking was not

	<p>happening within the highway boundary. Highways rights for this area extends all the way to the shop fronts, however, it is acknowledged overtime that this area has now become garden for some houses and used as parking for many others.</p> <p><b>Vehicle Access</b> The application is not proposing any on site parking however, there is ample on street parking opposite the site. Parking is a matter for the Local Planning Authority and therefore any parking arrangements will need to be agreed by the. The change of use will increase trips to and from the area but it is not considered to have a major impact on the operation of the surrounding highway network.</p> <p>Refuse bins would not normally be allowed to be kept on highways rights land, however, in this case they have been in this location for over 10 years without incident. As the land fronting the site has highway rights upon it, HCC Highways at any time has the right to enforce this area which includes structures, vehicle parking and other other objects that we deem are obstructing the highway network.</p> <p><b>Conclusion</b> HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative.</p>
--	--

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
7	4	0	4	0

### Neighbour Responses

Address	Comments
15 Gilliflower street Aylesbury Hp18 0gl	We own a mobile fish and chip van that has come to Bovingdon for the past 2 years, we was asked to come by a lot residents when the fish and chip shop closed down. Very concerned that it will affect trade for us.
92A High Street Bovingdon Hemel Hempstead Hertfordshire HP3 0HJ	To Whom it may concern,  I object to this proposal, predominantly on the grounds of inadequate parking. The parking provisions in place for the Costcutter cutter convenience store, to which the Chip shop will be attached, is already so highly inadequate, that on numerous occasions throughout the day

	<p>every day, vehicles completely block the pavement, forcing people to walk in the road. On one occasion, I witnessed a Mother having to push her pram, blindly out into the road to get past.</p> <p>With the addition of a chip shop, this is only going to increase traffic, increase the number of cars wishing to park, and therefore increase the risk of a serious accident. If the issue were to be addressed, maybe with bollards, which will stop vehicles blocking the pavement, I will reconsider my opposition.</p> <p>I do also feel that a chip shop is completely out of character for this end of the high street and as a direct neighbor, the constant smell is not something I welcome.</p>
<p>16 Green Lane Bovingdon Hemel Hempstead Hertfordshire HP3 0HT</p>	<p>Parking in the immediate area of the proposal is already out of control often pushing people especially those with pushchairs or mobility issues into the road.</p> <p>The opening hours are excessive for the nature of the business.</p> <p>Not satisfied that enough has been done to reduce the amount of odour from the vent.</p>
<p>8 High Street Bovingdon Hemel Hempstead Hertfordshire HP3 0HG</p>	<p>Hi we are running a small family business in bovingdon for the past 9 years and it is just enough for us also for the past 2 years we have Struggled a lot of the COVID pandemic if this fish and chips does open it will effect us we will loose a lot of business. it's not enough for one more food business there are enough food businesses already hope you understand our point.</p> <p>THANK YOU</p>