

**ITEM NUMBER: 5a**

|                               |                                                                                                                                                                                     |                       |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b>21/04038/FUL</b>           | <b>Conversion of existing former commercial building (E1) to dwelling house (C3) and construction of part first, part 1.5 storey side extension with soft and hard landscaping.</b> |                       |
| <b>Site Address:</b>          | <b>10 Church End, Markyate, St Albans, Hertfordshire, AL3 8PY</b>                                                                                                                   |                       |
| <b>Applicant/Agent:</b>       | <b>K Bailey</b>                                                                                                                                                                     | <b>Mr David Lomas</b> |
| <b>Case Officer:</b>          | <b>Joan Reid</b>                                                                                                                                                                    |                       |
| <b>Parish/Ward:</b>           | <b>Markyate Parish Council</b>                                                                                                                                                      | <b>Watling</b>        |
| <b>Referral to Committee:</b> | <b>Objection from the Parish Council</b>                                                                                                                                            |                       |

**1. RECOMMENDATION**

1.1 That planning permission be DELEGATED with a view to APPROVAL subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

**2. SUMMARY**

2.1 The site is situated in the Green Belt and the land proposed for development is considered to be previously developed. The proposal would reuse an existing commercial unit into a single dwelling and would contribute to the existing housing stock of a small residential unit. An existing extension would be demolished and replaced with a more compact extension over two floors. The proposals would not have a greater impact on the openness of the Green Belt, complying with the requirements of Paragraphs 149 and 150 of the National Planning Policy Framework (2021) and the aims of Policy CS5 of the Core Strategy (2013), subject to conditions.

2.2 The overall size, scale and design of the proposed alterations are acceptable, they relate well to the original building, and would not result in any harm to the character or appearance of the street scene or surrounding area. The works are not considered to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. The scheme would have a neutral effect on the setting of the listed buildings, and would preserve the setting of the grade II listed heritage assets near the site in accordance with the NPPF and policy CS27.

2.3 Furthermore, the scheme would not have an adverse impact on the road network or create significant parking stress in the area given the location, scale and existing use of the building.

2.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8 CS11, CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

**3. SITE DESCRIPTION**

3.1. The site is located on Church End, which is to the north east of the Village of Markyate and within the Green Belt. The site comprises an extended two storey detached building originating from 1880s which is in commercial use, most recently in the retail trade of motor vehicle parts. The property is situated opposite St. Johns Church (Grade II\*), Cell Lodge its gates and gate piers (Grade II), and Markyate Cell and its Parkland beyond that (Grade II\* and Grade II respectively). The Scout Hall is located to the east, and a building known as the Homestead (Grade II) is located south. Immediately to the west of the application site is a property known as 'the Factory' or formerly the 'Promotional Centre' which is presently undergoing conversion from commercial use to 4 residential

units. The site can be accessed from the High Street via a pedestrian link under the A5183 or via Luton Road for vehicle users. To the rear of the application building, there is small curtilage, which is heavily wooded and contains a large tree.

The planning statement states that the site is located within Flood zones 2 and 3 however, this does not accord with the LPAs or the Environment Agency's mapping systems which show the extent of the flood risk areas which are outline the application site. (xtend half way across the neighbouring site to the east). The LPA's and EA's mapping system indicates that the site is at high risk of surface water flooding but not from rivers.

#### **4. PROPOSAL**

4.1 The application seeks full planning permission to demolish, extend and convert the existing commercial building (Use Class E1) to a two bedroom dwellinghouse (C3). One parking space will be provided forward the side projection and a small garden will be created at the rear.

The proposed plans have been amended during the course of the application to lessen the size and scale of the two-storey side enlargement and removal of the ground floor rear projection.

#### **5. PLANNING HISTORY**

No planning history in last 20 years.

#### **6. CONSTRAINTS**

Green Belt: Policy: CS5  
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:

Core Strategy  
NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - Green Belt  
CS8 - Sustainable Transport

CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS26 - Green Infrastructure  
CS27 - Quality of the Historic Environment.  
CS29 - Sustainable Design and Construction

Local Plan 1991-2011 - Policy 99 and appendices 3, 5 and 7

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)  
Chiltern Beechwoods Special Area of Conservation Mitigation Strategy  
Refuse Storage guidance.

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

- The impact of the development to the Green Belt
- The quality of design and impact on visual amenity;
- The impact on residential amenity;
- The impact to Heritage Assets;
- The impact on highway safety and car parking and
- Other Material Planning Considerations.

### Principle of Development

#### *Green Belt*

9.2 The application site is located within the Green Belt outside of the small village of Markyate boundary. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.3 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 says that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

9.4 Paragraph 149 states that a local authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) Buildings for agricultural and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would;

- Not have a greater impact on the openness of the Green Belt than the existing development; or
- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

9.5 In addition, paragraph 150 of the NPPF states: “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);”

9.6 Policy CS5 of the Dacorum 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.

Policy CS5 clarifies that small-scale development – such as the redevelopment of previously developed sites – are acceptable provided that:

- i. It has no significant impact on the character and appearance of the countryside; and
- ii. It supports the rural economy and maintenance of the wider countryside.

9.7 The development would seek to extend and convert the existing building. These works are considered *appropriate development* in the Green Belt falling across two exceptions: paragraph 149 c) extension and alterations of existing buildings providing it does not result in disproportionate additional over and above the original building and paragraph 150 d) the reuse of buildings provided the buildings are of permanent construction. The existing original structure would remain and the side and rear wrap around section would be removed and replaced with a two storey side and rear extension. The resultant building would be similar in size (20sq.m difference) to the existing when taking a floorspace calculation:

|          | GIA (sqm) | GEA (sqm) |
|----------|-----------|-----------|
| Existing | 100.98    | 120.91    |
| Proposed | 100.44    | 121.08    |

Table 1: Floorspace figures supplied by the planning agent

As existing side and rear wraparound extension would be demolished and replaced with a more compact extension, there would be a small improvement to the visual and spatial openness. The

development would accord with the requirements of the NPPF and would not reduce the overall openness of the Green Belt.

9.8 It is recommended to impose a condition removing permitted development rights for Class A (extensions), Class C (roof enlargements) and Class E (outbuildings) to restrict further built form in the Green belt.

#### *Rural Economy/ Loss of E class use*

Core Strategy policy CS5 in addition, small scale development must also support the rural economy and maintenance of the wider countryside. The commercial use of the site has scope to provide jobs in the rural area.

Policy CS14 and CS15 seek to promote economic development. Core Strategy Policy CS15 states that in employment areas, a minimum area of land will be retained for B class uses, including employment areas will be retained in the Green Belt and paragraph 12.16, of the supporting text to Policy CS15 suggests existing employment sites will normally be retained.

However, on balance, the site is located amongst a residential cluster of homes and given prevailing character of the locality and shortage of housing within the borough, the proposals are compliant with the objectives of the development when taken as a whole. Some, albeit limited weight is given to a potential fall-back position that the building could be converted to residential through permitted development rights.

#### Quality of Design / Impact on Visual Amenity

9.3 Policies CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and paragraph 130 of the NPPF seek to ensure that new developments are visually attractive and integrate with the surrounding area in terms of layout, design, scale and materials. As outlined above, Policy CS5 states that small-scale development will be permitted within the Green Belt, provided that it has no significant impact on the character and appearance of the countryside.

The proposed alteration and extension of the property is considered to be of good quality, sympathetic to the overall scale and design of the original property and in keeping with the character and appearance of the locality.

#### Impact on Residential Amenity

9.4 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space. Thus, proposals should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light or privacy.

9.5 The plans for the extension and conversion of the building to a single dwelling has been amended since the original application was submitted resulting in a reduction in the size of the two storey element and removal of the ground floor single storey rear projection. The most affected neighbouring properties have been considered below:

a) The Factory (formerly known as the Promotional Centre)

9.6 The amendments to the scheme requested to reduce the impact of the development on the residential amenities of the future occupiers of the adjacent building 'the Factory'. Permission has been granted to convert the Factory building and the subsequent building has 4 windows to the

elevation facing the application site which would serve bedrooms of the flats. In order to assess this, the application was supplemented with a Sunlight and Daylight Assessment (Prepared by BRE) which considers loss of daylight to the neighbouring property. The report considers the loss of the vertical sky component to the neighbouring windows and says that all these windows would sit comfortably within the BRE guidelines. Three of the windows would see an increase in the vertical sky component received because of the proposed change to the single storey part of the building sited further away. Three of the four rooms would also meet the daylight distribution guideline. One bedroom would sit below the recommended guidance however; as it would receive more than the existing amount of daylight to part of the room this would balance out the loss of the daylight distribution.

9.7 The report also states that the nearest windows of the neighbouring property 'the Factory' face northerly towards the development and therefore loss of sunlight would not be a reason for refusal.

9.8 In terms of visual overbearing impact, the existing situation between the buildings is poor (the principle of the conversion of the 'Factory building' was established through permitted development rights' and there is poor outlook for the windows at the Factory. This development would result in no greater harm to the outlook of the occupiers and would in part be a betterment.

9.9 The development would result in a better neighbour in land use terms to the residential properties, removing the unrestricted commercial use. Two windows proposed to the ground and first floor side elevation of the building nearest the Factory. The ground floor is serving a hallway behind the door and the second window would light a stairway. Given they do not serve habitable rooms, they are considered acceptable. It is recommended to impose a condition removing permitted development rights for all Class A, B and C development and one of the reasons (together with Green Belt) shall be to avoid future insertion of windows which could cause loss of privacy to the neighbours.

b) The Homestead, Church End.

9.10 An objection was received from the Homestead, which is a private residential property located to the south of the site. In response to this comment, there has been a number of exchanges between the applicant, the agent and the homeowner via the public access system. The Parish Council has also commented on the objections. A number of the points raised are considered to be non-material to the decision making process such as

9.11 The following points are material and weigh in the overall planning judgement:

Impact of the proposal to privacy and enjoyment of private amenity space. The rear elevation of the dwelling would be located approximately 24m from the nearest section of the front elevation of the Homestead. This would meet the dwellings spacing requirement of Appendix 3 of the Dacorum Borough Local Plan 1991-2011. In addition to meeting the minimum standard, privacy is enhanced with the extent of trees separating the two properties and a reason for refusal could not be substantiated on loss of privacy from the rear windows of the application site to the Homestead. It is noted that the plans have been amended since the original submission and there is now one large first floor window on the rear elevation.

The Homestead has raised objection to the loss of privacy to their amenity space nearest the site. Given the introduction of a new window to the rear of the building there is potential for some loss of privacy. At present there is a substantial tree located to the rear which would screen this. The potential loss of privacy to the amenity space would not warrant a refusal having regard to the distances and the screening that exists from the mature trees.

c) Markyate Cell lodge

9.12 This property is located directly opposite and appears to be in residential use. There would not be any significant harm to this property in terms of loss of privacy or overbearing impact as there is existing windows fronting the site and the extension and alterations would not interfere with its light or outlook.

#### Impact on Highway Safety and Parking

9.13 The NPPF, Policies CS8 and CS12 of the Core Strategy and the Parking Standards SPD all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers. Hertfordshire Highways were consulted on the application and raise no objection subject to the imposition of a surface water drainage condition and informatives.

9.14 In terms of parking, the scheme makes provision for 1 space located to the front of the dwelling. The adopted SPD seeks to secure a minimum of 1.5m for a 2-bedroom dwelling within Zone 3 which applies to Markyate.

9.15 Regard has been taken to a recent appeal decision, which allowed a new 3-bedroom dwelling at 93-95 High Street, Markyate Appeal Ref: APP/A1910/W/21/3279289. The Inspector considered whether the 3-bedroom dwelling which made provision for 1 space, would be of a scale to generate a harmful increase in vehicular movements, on and around the appeal site. He had regard to the distance between the proposal and the village shops and facilities including walkable access (including regular bus services would offer future occupants realistic alternatives to private car use in some circumstances). The Inspector has satisfied with the overall provision in a similar case albeit a larger house where there was not an existing commercial use. As such, given that the scheme is for a small 2-bedroom dwelling and replaces an existing use which would generate more parking demand, on balance it is considered that a reason for refusal on parking grounds could not be substantiated.

9.16 It is recommended to impose a condition requiring the space to be in place prior to the first occupation of the dwelling and to keep it available for the purposes of car parking thereafter. A condition for electric vehicle charging point is not now required as this will be subject to Building Regulation requirements.

#### Quality of residential accommodation

9.17 In terms of satisfactory standard of accommodation, the Technical housing standards (nationally described space standards) sets out a minimum floorspace standard for new dwellings which is a material consideration and an indicator if adequate floorspace is being provided for the new dwellings in relation to potential number of occupants/bedroom numbers. A two-storey two bedroom property should be a minimum gross space of 70 sq.m and the proposed dwelling would be well in excess of minimum.

9.18 Appendix 3 of the local plan sets out guidance for garden sizes and recommends that a minimum depth of 11.5m be achieved, whilst a reduction can be made for smaller starter homes. The garden has a length in excess of 11.5m but the width of the garden tapers off (approximately 9m at the widest point to 2m at the narrowest point). Whilst the quality of the space is not ideal given the shading of the existing trees, the space would still serve a decent private amenity space for the small unit.

9.19 In terms of light to habitable spaces, the layout of the unit is reasonable given the conversion of the building. It is noted that the light and outlook to the rear of the property would be impacted by the existing tree however the living area is served by a window to the north also.

9.20 The environmental health team have been consulted on the scheme and acknowledge that due to the siting near to the A5183 and other road, there is potential to reduce traffic noise from the development and garden. A condition will be imposed requiring further details to limit noise and nuisance and air quality.

### Impact to Heritage Assets

9.21 The property fronts on to Church End, opposite the lodge and gates to Cell Park (grade II listed). To the north of the lodge lies Cell Park (a grade II registered park and garden) and the church of St John the Baptist lies to the north-west. To the rear / south of the site lies The Homestead (grade II listed) and its garden extends up to the site boundary.

9.22 Policy CS27 Quality of Historic Environment states that all development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Development will positively conserve and enhance the appearance and character of conservation areas. Negative features and problems identified in conservation area appraisals will be ameliorated or removed.

9.23 A Heritage Statement has been submitted with the application. The conservation officer has reviewed the application and feels that the proposal would preserve the setting of the designated heritage assets due to the relatively minor changes being made to the front of the property (in relation to the setting of Cell Park gate lodge/ gates) and the distance between the application site and The Homestead. She considers that Cell Park and the Church will not be impacted under the proposals.

9.24 The conservation officer has stated that the side and rear extension should tie in reasonably well with the existing property if appropriate materials are used, the use of sympathetically designed and detailed windows should provide an enhancement.

9.25 The proposal would have a neutral effect on the setting of the listed buildings, and would preserve the setting of the grade II listed heritage assets in the vicinity of the site in accordance with the NPPF and policy CS27 and the conservation officer has no objection. A condition will be imposed requiring the details of materials and window design. As such, the proposed development would accord with Policies CS11, CS12 and CS27 of the Dacorum Core Strategy 2006-2031 (CS), which together seek to ensure that, among other things, development complements local character and conserves the historic environment. Furthermore, the proposal would accord with the approach of the Framework, taking account of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

### Other Material Planning Considerations

9.26 Environmental health officers raise no objection but state that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated. As such a contamination condition is considered necessary and reasonable and will be imposed on the decision.

### *Impact on Trees and Landscaping*

9.27 Saved Policies 99 and 100 of the Local Plan and Policy CS12 of the Core Strategy seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.



9.28 There are no Tree Preservation Orders or otherwise protected trees within the application site and the site is not located within a Conservation Area. There is a substantial tree located within the rear curtilage of the property which is shown for retention. These trees have been discussed with the Tree officer and it is their view that these trees would not be worthy of TPO having regard to their amenity value.

### *Waste Management*

9.29 Waste Management 9.22 Saved Policy 129 of the Dacorum Borough Local Plan seeks to ensure that developments have adequate storage for refuse and recycling. The Highway Authority has commented that 'provision would need to be made for an on-site bin-refuse store within 30m of the new dwelling and within 25m of the kerbside/bin collection point. The plans show adequate space for the provision of domestic bin storage to the rear and there is sufficient width to take the bins along the side of the property. The applicant would be able to leave bins at the roadside on bin collection day.

### Community Infrastructure Levy (CIL)

9.30 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable and resides within CIL Zone 3.

### Habitats Regulations Assessment – Chilterns Beechwoods SAC

9.24 As part of its ongoing work to prepare the Local Plan, Dacorum Borough Council is required by law to undertake a Habitats Regulations Assessment (HRA) to understand the impacts that current and planned future growth is having on sites designated under the Habitats and Birds Directive. Evidence gathered to date concludes that the integrity of the Chilterns Beechwoods SAC, particularly at Ashridge Commons and Woods SSSI, is being harmed as a result of public access and disturbance.

9.25 Natural England recognises that there could be a serious potential conflict between the plans for any new housing development in the area surrounding the Chilterns Beechwoods SAC, and the conservation objectives for the protected features there. As such, a mitigation strategy needs to be developed to offset the current harm to the sites

9.26 The application site resides within the Chilterns Beechwoods 'zone of influence', therefore following advice from Natural England, a mitigation strategy is needed, which sets out the actions necessary to protect the SAC from both existing and future pressures. At a meeting held on 15 November 2022, Dacorum Borough Council Cabinet approved the Chilterns Beechwoods Special Area of Conservation Mitigation Strategy. It also approved two Suitable Alternative Natural Greenspace (SANG) Management Plans for Bunkers Park and Chipperfield Common.

9.27 The new Mitigation Strategy sets out targeted measures to protect the site and to accommodate the predicted pressures associated with future growth within the 12.6-kilometre Zone of Influence that extends from Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). These measures will be delivered through a range of projects by the National Trust over a period of around 80 years (to 2102-2103).

9.28 The National Trust has confirmed that these Strategic Access Management and Monitoring (SAMMS) measures will cost a total of £18.2million. This cost will be shared across all of the affected

local authorities. In Dacorum, this means that developers will be required to pay a tariff for each new home built.

9.29 To help to reduce recreational pressures on Ashridge Commons and Woods, alternative green spaces need to be identified. All new developments within the Zone of Influence will need to make provision for a new Suitable Alternative Natural Greenspace (SANG), or alternatively contribute towards the maintenance of a suitable SANG project elsewhere.

9.30 Larger developments (10 or more new homes) must be located close to a suitable SANG. Smaller developments can contribute towards an existing SANG. Developers that are unable to provide a suitable new SANG will be required to make a payment to us towards the long-term management and maintenance of these sites.

9.31 The proposed development would be eligible to financially contribute to the two SANG Management Plans for Bunkers Park and Chipperfield Common, which would be secured via legal agreement should planning permission be granted.

## **10. CONCLUSION**

10.1 The proposals are complicit with the development plan when taken as a whole and material considerations are factored in, the application should be granted.

## **11. RECOMMENDATION**

11.1 That the application be DELEGATED with a view to APPROVAL subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

### **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 carried out in accordance with the following approved plans/documents:**

21.058 2A  
21 058 1A  
K0422-E-S1

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

- 3. The parking space shown on the approved plan shall be in place prior to the first occupation of the dwelling and kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose thereafter.**

Reason: In accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Section 9 of the National Planning Policy Framework (2021).

4. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:**

A, B, C, E.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the openness of the Green Belt and the protection of the neighbouring properties amenities in accordance with Policies CS5 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 149 and 150 of the National Planning Policy Framework (2021).

5. **No development (excluding demolition/ground investigations) shall take place until details of the materials, including the joinery, to be used in the construction of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area and to preserve the setting of the Heritage Assets in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

6. **No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

**For the purposes of this condition:**

(i) **A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.**

(ii) **A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.**

(iii) **A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2021).

- 7. All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.**

**For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2021).

- 8. Development shall not begin until a detailed written scheme for protecting the development, including external amenity areas, from transport related noise has been submitted to and approved in writing by the Local Planning Authority. This scheme shall have due regard to the provision of appropriate levels of ventilation and air quality. All measures which form part of the scheme approved by the Authority shall be carried out prior to the first occupation of the development and shall thereafter be retained.**

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).

#### **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.

#### **APPENDIX A: CONSULTEE RESPONSES**

| <b>Consultee</b>                         | <b>Comments</b>                                                                                                   |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| 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. |
| Thames Water                             | WASTE COMMENTS:                                                                                                   |

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              | <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</a>.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p><b>WATER COMMENTS:</b><br/> With regard to sewerage and sewage treatment, this comes within the area covered by the Severn Trent Water. For your information the address to write to is Severn Trent Water, 2308 Coventry Road, Sheldon, Birmingham B26 3JZ Tel - (0121) 7226000</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>Comments</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                        | <p>The proposal is for conversion of existing former commercial building (E1) to dwelling house (C3) and construction of part first, part 1.5 storey side extension with soft and hard landscaping at 10 Church End, Markyate. Church Street is a dead end 60 mph unclassified local access route that is highway maintainable at public expense.</p> <p><b>Vehicle Access</b><br/>The site has an existing dropped kerb which serves the the exiting garage on site. This dropped kerb is proposed to be maintained to accommodate a single parking space for the dwelling. Parking is a matter for the Local Planning Authority and therefore any parking arrangements must be agreed by them. Electric vehicle parking is proposed, as stated within the planning statement, which is welcomed by HCC Highways. There is proposed to be no change to the adopted highway network.</p> <p><b>Drainage</b><br/>The proposed existing driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing driveway would need be collected and disposed of on site.</p> <p><b>Refuse / Waste Collection</b><br/>Provision would need to be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p><b>Emergency Vehicle Access</b><br/>The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses'.</p> <p><b>Conclusion</b><br/>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives.</p> |
| <p>Conservation &amp; Design (DBC)</p> | <p>10 Church Lane is a late 19th or early 20th century former store / workshop (now in commercial use). It is of brick construction with a slate roof but its window openings have been heavily altered / modernised.</p> <p>The application has been accompanied by a Heritage Statement which is helpful in understanding the building and its surrounding context. The property fronts on to Church End, opposite the lodge and gates to Cell Park (grade II listed). To the north of the lodge lies Cell Park (a grade II</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|                                                             | <p>registered park and garden) and the church of St John the Baptist lies to the north-west. To the rear / south of the site lies The Homestead (grade II listed) and its garden extends up to the site boundary.</p> <p>The proposal is considered to preserve the setting of these designated heritage assets due to the relatively minor changes being made to the front of the property (in relation to the setting of Cell Park gate lodge/ gates) and the distance between the application site and The Homestead. Cell Park and the Church will not be impacted under the proposals.</p> <p>The side / rear extension should tie in reasonably well with the existing property if appropriate materials are used, the use of sympathetically designed and detailed windows should provide an enhancement.</p> <p>The proposal is considered to preserve the setting of the grade II listed heritage assets in the vicinity of the site in accordance with the NPPF and policy CS27, no objection.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>Environmental And<br/>Community Protection<br/>(DBC)</p> | <p><b>Noise</b></p> <p>With reference to the above planning application, please see comments below:</p> <p>It is not clear whether this application is made in connection with Permitted Development rights or not - my understanding is that Use Class E1 cannot (save for a very few exceptions) change to a dwelling house (C3) via PD. So, I assume that this is a standard application for planning permission; given the proximity of the development site to a heavily trafficked road, I think some form of noise assessment is in order so I suggest the following:</p> <p>The development site is situated in close proximity to the A5183 which is the main vehicular link between Dunstable and the M1 - it is therefore highly likely that the site is exposed to elevated levels of road traffic noise. I note that the application is not supported by any assessment of this noise or how the future occupiers of the dwelling and associated garden will be protected from it.</p> <p>Accordingly, I would recommend that the determination of the application is held in abeyance until such time the applicant has furnished the Local Planning Authority (LPA) with this information so that the suitability of the proposal can be assessed. If, however, the LPA is minded to determine the application on the information currently submitted I would recommend the following condition:</p> <p>Development shall not begin until a detailed written scheme for protecting the development, including external amenity areas, from</p> |

transport related noise has been submitted to and approved in writing by the Local Planning Authority. This scheme shall have due regard to the provision of appropriate levels of ventilation. All measures which form part of the scheme approved by the Authority shall be carried out prior to the first occupation of the development and shall thereafter be retained.

Reason: To protect the occupants of the new development from noise disturbance

### **Contaminated Land**

Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.

This is considered necessary because the application is for a change of land use to a more sensitive receptor on a site which has been previously developed and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.

Contaminated Land Conditions:

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:

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.

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.

Informative:

The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.

Following a site visit and discussion with the developer, I can confirm that the proposed development is situated in a high noise environment due to its proximity to the A5183. Whilst an existing structure and the elevated positioning of the road do reduce noise levels to a limited degree as regards the amenity space associated with the application, the proposed dwelling house will be exposed to concerning levels of

|                                              |                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                              | transportation noise. Accordingly, some form of mitigation is, in my opinion, clearly necessary and this should be based on an assessment undertaken by an experienced acoustic practitioner. The mitigation measures should permit adequate ventilation without compromising internal noise levels. |
| Environmental And Community Protection (DBC) | Informative inserted.                                                                                                                                                                                                                                                                                |
| Trees and Woodlands                          | None                                                                                                                                                                                                                                                                                                 |

## APPENDIX B: NEIGHBOUR AND PARISH COUNCIL RESPONSES

### Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 7                       | 4            | 0       | 1          | 1       |

### Neighbour Responses

| Address                                                                                   | Comments                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Markyate Village Hall<br>Cavendish Road<br>Markyate St Albans<br>Hertfordshire<br>AL3 8PS | Original – No objection<br><br>Revised - Objection (following review of neighbouring objection)<br>Overlooking neighbouring property, intrusion of privacy.<br>Insufficient parking. |

The Promotional Centre

Church End  
Markyate  
St Albans  
Hertfordshire  
AL3 8PY

- I give my strong support in favour of the sympathetic design of the proposed old Gawley site, it will not spoil any aspect of the surrounding properties (see notes below) it will only bring benefit to the development of Church End as a whole.
- The proposed old Gawley site, will sit nicely and enhance the surrounding area while also bringing benefit to Church End as a whole while making a lovely family home.

Comments from Promotional Centre on neighbours objection.

Dear developer and the planning officer, can you please consider that the new gable end at the South east elevation would block out light to the factory roof lights in unit 3 and 4 I feel a small pitch in the roof at the top of the gable would allow the light to remain as it is into the roof windows.

I would like assist with my view and local knowledge with the Comment submitted on Tue 23 Nov 2021 by the Homestead

Comment

I would ask that the application be looked at for overlooking and loss of privacy to the neighbouring property The Homestead which is a GRADE 2 Listed property.

Response

GRADE 2 listed, More the reason that the public should be able to see in to this historic property grounds, its local history that people want to see and explore.

Comment

The front garden is a communal area with 3 large seating areas and a BBQ/Firepit area used most days and evenings for family and social gatherings. the front garden communal area with 3 large seating areas and a BBQ/Firepit

Response

This communal area, and the listed house can be seen from the highway through the wide double gates at the front and from all the front windows of the GRADE 2 Listed Cell Gate House, plus from units 3 and 4 next doors in the new residential development next door.

Suggestion

The back garden of this property with its dense woodland and out house/shed are hidden, except in the winter months when its in my view to cold and wet for a BBQ/Firepit.

Comment

The proposed windows to the South east elevation upper floor would cause a large overlook and loss of privacy. Thus causing a reduce in extent and quantity to are privacy imposing a restriction/curtail on are civil liberties.

|                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                 | <p>Response</p> <p>There has been a clear glazed window on that back wall since the property was first built, it has been (temporary) bricked over,with just one skin of brickwork-also,mesh bars were installed on the front at the same time as a security measure, after a break in at the premise through that-back window.</p> <p>Comment</p> <p>We would ask that as a resolution to this that there be a consideration for Obtrusive glass in the form of frosted non opening. Tinted glass is not a good option as often developers use a tint of very small proportion thus pushing the boundaries of tint and planning development regulations.</p> <p>Response</p> <p>THE GRADE 2 Listed gate house looks directly in to the homestead from all 4 of its front windows as do the windows of unit 3 and 4 at the new development next door none of these windows are tinted.</p> <p>Please note Gawley's have now moved a great little company ,we now look forward to NO more Commerical activity in Church End what-so ever.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>The Homestead<br/>11 Church End<br/>Markyate<br/>St Albans<br/>Hertfordshire<br/>AL3 8PY</p> | <p>I would ask that the application be looked at for overlooking and loss of privacy to the neighbouring property The Homestead which is a GRADE 2 Listed property .</p> <p>The front garden is a communal area with 3 large seating areas and a BBQ/Firepit area used most days and evenings for family and social gatherings .The proposed windows to the South east elevation upper floor would cause a large overlook and loss of privacy .</p> <p>Thus causing a reduce in extent and quantity to are privacy imposing a restriction/curtail on are civil liberties.</p> <p>We would ask that as a resolution to this that there be a consideration for Obtrusive glass in the form of frosted non opening. Tinted glass is not a good option as often developers use a tint of very small proportion thus pushing the boundaries of tint and planning development regulations.</p> <p><b>Further Comments</b></p> <p>First, I will address the comments submitted by 226 London Road (reference number 21/04247/FUL), and the information detailed that has now publicly come to light; that "The Promotional Centre" and "The Workshop, The Promotional Centre" are the same enterprise, more so that "The Promotional Centre" was dissolved on Companies House nearly 2 years ago in March of 2020 and that Mr A Garner, the owner, has passed away.</p> <p>As such, I would question the integrity of the comments made by both entities and question the legitimacy of their source, this being the</p> |

current developer and occupant of the said former property known as The Factory, now being developed into flats. (Reference number 19/02765/LIPA.)

There are currently no businesses or workshops running from this location, and the plans do not include any offices or workshops.

All of the following are in regards to comments made by "The Promotional Centre", dated 9/12/21:

An original comment from The Homestead read:

"I would ask that the application be looked at for overlooking and loss of privacy to the neighbouring property The Homestead which is a GRADE 2 Listed property."

A follow-up comment from "The Promotional Centre" read:

"GRADE 2 listed,More the reason that the public should be able to see in to this historic property grounds,its local history that people want to see and explore."

In response to these comments:

Whilst The Homestead is a Grade II listed building, it is not a museum and is a residential dwelling, a house as listed on Historic England. It is my families' home, and whilst I keep and maintain the heritage and history of the building, it is primarily a place of solace, peace and tranquillity for both myself and my family. Everyone who wishes to see the property can do, from the public footpath on Church End, and from the public highway to the rear.

Many local residents have already commented on the restoration of the property which began in late 2020, and the significant high standards of work carried out and substantial improvement on the appearance of The Homestead and surrounding area whilst in keeping with the Grade II listing.- We are more than happy for walkers and commuters to have a glance at The Homestead whilst passing by and taking in other countryside views as it is of historical importance, but there is a defined line between having a glance and causing an unruly nuisance.

An original comment from The Homestead read:

"The front garden is a communal area with 3 large seating areas and a BBQ/Firepit area used most days and evenings for family and social gatherings. "

A follow-up comment from "The Promotional Centre" read:

"This communal area, and the listed house can be seen from the highway through the wide double gates at the front and from all the front windows of the GRADE 2 Listed Cell Gate House,plus from units 3 and 4 next doors in the new residential development next door."

In response to these comments:

The front gates to The Homestead are of a standard size, and are not as quoted, "wide", as stated to mislead people.

Visibility from the Cell Lodge windows to the aforementioned communal area are from a measurement of 104 ft away and across the street; two ground level windows are situated in the kitchen, and view into the parking area only. Views from both upper-level windows are obscured; the bathroom window being made of obscured glass, and the other a small window on the staircase from ground level - giving a very restricted view, and only if you wish to sit on a small staircase.

These comments are from personal knowledge, after being given access to the Cell Lodge by the current owners who are currently in the process of selling the property; who I may add are a lovely family. This sale has been impeded by the appearance of the immediate surrounding area, with waste building materials, a motor home, and old Rolls Royce blocking access to the property.

The windows in units 3 & 4 of the new development are both from an elevated view of 25 ft, are situated at the side of the front gardens/communal area and are close to the boundary fence. Despite being from an elevated level, there were no objections when this application was submitted as The Homestead was not occupied at the time. An awfully convenient occurrence, as if The Homestead was occupied at the time, I am sure an objection would have been made on grounds of overlooking.

The following suggestion was made by "The Promotional Centre":  
"Suggestion

The back garden of this property with its dense woodland and out house/shed are hidden, except in the winter months when its in my view to cold and wet for a BBQ/Firepit."

In response to this suggestion:

The large front garden area of The Homestead contains a fire pit, BBQ area, patio area and decking section and were all in situ when it was purchased in December 2020, and can be seen in many photos from previous sales of the property going back many years. A Rightmove listing from 2015 clearly shows all the aforementioned. (Linked here: <https://www.rightmove.co.uk/house-prices/detailMatching.html?prop=72777186&sale=23894355&country=england>)

Local knowledge from those in the Scout hut situated next door has informed me that this area was actively used by past occupants in previous years. As such, I stand by this suggested precedent that all the previous occupants used these areas regularly for social activities and family gatherings. We wish to continue this precedent alongside the history of the property.

The comment that the back garden should be used instead is extremely unwelcome as alongside the garden being small, it also has a lot of overhanging trees and thorn bushes in the summer months. We purchased the property to use all available space and not to be confined to our back garden and be hidden away just to please the views of one person. The back garden is open to the elements for the majority of the

year, and has a major safety concern coming from the large section of crash barrier missing from a previous road traffic accident. Public Highways has already been alerted to this but have not yet resolved the issue.

With both the events of the last two years taking place alongside a warmer climate, the outdoor space in the front garden continues to be used on a regular basis to maintain personal well-being. We see no reason to not use this space for evening BBQ's or for the firepit to be used to keep warm if people wish.

An original comment from The Homestead read:

"The proposed windows to the South east elevation upper floor would cause a large overlook and loss of privacy.

Thus causing a reduce in extent and quantity to are privacy imposing a restriction/curtail on are civil liberties."

A follow-up comment from "The Promotional Centre" read:

"There has been a clear glazed window on that back wall since the property was first built, it has been (temporary) bricked over,with just one skin of brickwork-also,mesh bars were installed on the front at the same time as a security measure, after a break in at the premise through that-back window."

In response to these comments:

After speaking to LR Gawley Ltd, I have it on first-hand knowledge and information that there was never a break-in through the rear window of the property. The facts instead being that the front window of the premises was smashed one evening as an act of vandalism. No offender was found but as a result, the decision was made to fit metal bars as a security measure. As such, one was fitted to the rear window. The decision was later made to brick up the window internally to add more shelf space as the upstairs was used for product storage.

An original comment from The Homestead read:

"We would ask that as a resolution to this that there be a consideration for Obtrusive glass in the form of frosted non opening. Tinted glass is not a good option as often developers use a tint of very small proportion thus pushing the boundaries of tint and planning development regulations."

A follow-up comment from "The Promotional Centre" read:

"THE GRADE 2 Listed gate house looks directly in to the homestead from all 4 of its front windows as do the windows of unit 3 and 4 at the new development next door none of these windows are tinted.

Please note Gawley's have now moved a great little company ,we now look forward to NO more Commerical activity in Church End what-so ever.

In response to these comments:

The comments above clarify the location of the windows, but constraints were put in place regarding the windows in units 3 and 4 of the new development. In the planning application 4/01042/19/FUL, the

diagrams clearly show small non-opening stained-glass windows to be put in place.

Since this application has been approved, a large opening clear glass square window has appeared downstairs, with a non-opening upper window above. No stained glass or tint has been used on either of these windows, and they have and continue to be both intrusive and not on the plans submitted.

In particular response to comments stating "we now look forward to NO more Commerical activity in Church End what-so ever":

The only current commercial activities in Church End are that of the developer/builder; his vehicles and commercial waste building materials scattered across the local area, blocking the footpaths and verges. Public Highways, The Environmental Agency and the local council are all aware of this.

To summarise the above, I have serious concerns as to whether the developer/builder would stick to their current plans if approved, as previous applications at The Factory show several amendments. I have already been advised by said party that they will be putting scaffolding on my premises in The Homestead, and I quote, "will be leaving it there for years"

Our objections against this development are: from a loss of privacy from the overlooking windows, the need to curtail our use of the property, missing and misleading information in the application, the close proximity to property boundaries of an active residential Grade II listed dwelling,