

**4/02569/16/FUL - CONSTRUCTION OF SCAFFOLD STRUCTURE TO STORE MATERIALS (RETROSPECTIVE).**

**HS SCAFFOLDING YARD, THREE CHERRY TREES LANE, HEMEL HEMPSTEAD, HP2 7HN.**

**APPLICANT: HS Scaffolding Limited.**

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[Case Officer - Amy Harman]

### **Summary**

The application is recommended for approval

### **Site Description**

This site forms approximately 1,200 square metres of open land located on the north-eastern edge of Hemel Hempstead.

The site is surrounded on its eastern and southern boundary by existing woodland. The site's northern boundary abuts the wooded Nickey Line footpath and cycleway. The Nickey Line separates the site from Hunters Oak housing estate.

The access to the site is to the west, off of Three Cherry Tree Lanes which is accessed from Redbourn Road.

### **Proposal**

The applicant is applying for retrospective planning permission for the construction of shelving for the purpose of storing scaffolding materials. The site was previously used by Calor Gas. The site is on council-owned land.

### **Referral to Committee**

The application is referred to the Development Control Committee due to being called in by Cllr. Collette Wyatt-Lowe and is also on Land owned by Dacorum Borough Council

### **Planning History**

None found

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

#### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS3 - Managing Selected Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design  
CS14 - Economic Development  
CS15 - Office, Research, Industry, Storage and Distribution  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS32 - Air, Water and Soil Quality  
CS33 - Hemel Hempstead Urban Design Principles  
CS34 - Maylands Business Park  
CS35 - Infrastructure and Developer Contributions

#### Saved Policies of the Dacorum Borough Local Plan

Policies 10  
Appendices 5

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)  
Landscape Character Assessment (May 2004)

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

### **Summary of Representations**

#### Cllr Collette Wyatt-Lowe

I have personally seen the traffic jams resulting from lorries backing into the site very recently with their personnel holding up the traffic so they can do so safely. My grounds for calling in are traffic considerations and noise. When is the application likely to be called in to the DevCon committee.

#### Senior Ecology and Built Environment Officer, Hertfordshire Ecology

We do not hold any biological records (species or habitat) for the application site. However the northern boundary of the site adjoins the Disused Railway Line Local Wildlife Site (LWS). The LWS has been designated due to the ancient woodland indicator species that have been found there. It is also an important linking habitat and could act as a corridor for many species. Due to the nature of the construction it is unlikely that the LWS will be directly impacted by the scaffold frame.

The development is, by its nature, temporary and does not represent a permanent change in habitat. The impact of the construction will be minimal and therefore I do not believe ecology will form a material constraint to granting planning permission.

#### Natural, Historic and Built Environment Advisory Team

The application site is immediately adjacent to the residential development at Spencers Park Phase 1, which is currently under construction. Archaeological evaluation and subsequent open area excavations at this site in 2015-16 recovered extensive and important (potentially national important) evidence of Roman occupation, industrial activity, and burial [Historic Environment Record No 15191]. The finds overall date from the 1st to the 3rd centuries, and include a fragment of a Roman column base. Roof, hypocaust and box flue tile and a fragment

of opus signinum were found which also suggest the presence of a Roman building of some status in the vicinity.

The application site therefore has the potential to contain significant archaeological remains (heritage assets of archaeological interest) of Roman date, in particular.

However, though the application documents do not provide much detail about the 'scaffold structure it would seem that, by its nature, its construction may have had relatively limited impact, if any, on any below ground archaeological remains present. It would be extremely useful if the applicant can provide us with photographs of the site, in order that this may be demonstrated.

#### **Further comments**

Thank you for sending the photographs. They confirm that there will have been no impact upon any archaeological remains, and I therefore have no further comment to make on the application. My apologies for the slight delay in sending this confirmation.

#### Hertfordshire Highways

The granting of a VO licence is sufficient checking/evidence that there is sufficient operating space within the site for the lorries to turn.

I can confirm that our Network Management officer has now replied and has not indicated any knowledge of specific traffic related issues associated with this yards operation. Moreover, he has checked with our TRO team (Traffic Regulatory Order) and there appears to be no sub clauses to any TRO that restricts access to the yard via Redbourn Road for HGV use.

Incidentally, I drove past the site on Monday at 07:07 am and there were two vans parked in the wide bellmouth and a lorry facing out being either loaded or unloaded. I assume that the vans will later park inside the yard once the lorry has left and the gates are closed.

In light of the above facts and the limited information that the agent has supplied, I do not think that the HA can still now raise an objection that would be reasonable and justifiable that restricts planning permission.

If possible, could I ask you to recommend a suitably worded condition, making sure that all staff associated with the business park their vehicles within the confines of the site and not on the public highway.

#### Hertfordshire Environmental Resource Planning

We do not hold any biological records (species or habitat) for the application site. However the northern boundary of the site adjoins the Disused Railway Line Local Wildlife Site (LWS). The LWS has been designated due to the ancient woodland indicator species that have been found there. It is also an important linking habitat and could act as a corridor for many species. Due to the nature of the construction it is unlikely that the LWS will be directly impacted by the scaffold frame.

The development is, by its nature, temporary and does not represent a permanent change in habitat. The impact of the construction will be minimal and therefore I do not believe ecology will form a material constraint to granting planning permission.

#### Environmental Health

The area in which this yard is sited is clearly designated as industrial land and there is already

substantial early morning disturbance in the locality due to traffic movements and other businesses. The noise produced is relatively short in duration, for most of the day the yard is locked up and quiet.

The yard is not immediately adjacent and the layout of the old railway line could make things better for the residents than it would otherwise be at the same distance. The complaints received are clearly mixing ongoing construction noise in with the scaffold yard operation, because they are complaining when the scaffold yard is closed and builders are on site. I am aware of 3 complainant's currently, if you discount the traffic related complaints, which we established are somewhat spurious because they involve other people's vehicles etc.

The complaints received were all combinations of different matters, namely traffic congestion caused by the scaffold lorries in the morning, with horns going and other drivers swearing etc., also scaffold and building noise that given the times quoted was very certainly the new house building behind the existing residents and a few instances of scaffold clanging that because of the early hour was definitely not the local building site.

It is clear that the scaffold company is being blamed for other people's lorries turning up into the width restricted road and having to turn around in the vicinity of the scaffold yard.

The complaints EH are aware of that include pre 7am scaffold noise were received early and mid-January this year, but were not investigated with regard to the early morning disturbance specifically because of the alleged times and the fact that the other issues mentioned were clearly uppermost in people's minds.

### **Response to Neighbour Notification / Site Notice / Newspaper Advertisement**

2 objections;  
23 Hunters Park  
Cherry Tree Lodge, Three Cherry Trees Lane

Cherry Tree Lodge, Three Cherry Trees Lane

Adequacy of parking/turning

This company uses a number of large flatbed lorries to transport scaffolding 7 days a week. The access road to their site is Three Cherry Trees Lane, which is a narrow but busy road with a footpath that is in constant use.

Because these large lorries are wider than half of the narrow road, if there is any other traffic on the road, they cannot access their site without either driving on the footpath or on the grass embankment. This is highly dangerous and I have seen a number of incidents where the lorries mount the pavement at speed in the dark and pedestrians literally have to dive out of their way. When they get to the narrow bridge, they generally stop and block the road until such time as the traffic has stopped and allows them to pass. The lorries cannot turn within their site compound and therefore they have to stop the traffic totally in both directions in order to enter and exit the site. This takes a considerable amount of time because the other drivers do not want to stop and the lorries struggle to turn in the narrow road.

The impact of all of this on the local area is significant. Not only is it dangerous, the verges have been ruined by the lorries driving over them and the traffic comes to a complete grid lock both up the road into Maylands and down the road, blocking the roundabout. This generally happens at rush hour both in the morning and the evening.

## Noise and Disturbance

The above issue results in constant conflicts between cars and the lorries on literally a daily basis. The lorries lean on their horns and yell at people to drive up the kerb. The cars lean on their horns and shout abuse at the lorries over the madness of them stopping the traffic. This goes on outside of my house and is disturbing me constantly.

The other element of noise is that between 6:00 am and 9:45pm, 7 days a week the scaffolders load and unload the lorries. This creates a significant noise that means that I cannot have any windows open if I do not want to be disturbed by the loud noise. In the evenings, if I want to sit in my garden, I have to listen to the constant sound of scaffolding poles crashing. Very early mornings, late evenings/night, weekends and Bank Holidays are particular times when I think this is unreasonable.

For information my friend who lives in Hunters Oak tells me that the noise wakes her up every morning but she has not been consulted in this process.

In summary, I have nothing against the scaffolding company but it only takes a common sense approach to see that this site is not appropriate to operate this business without having a significant negative impact on the people who live in the area, the local traffic and endangering people using the footpath.

### 23 Hunters Oak, HP2 7SN

Firstly I must say that I am alarmed that such short notice for appeal has been given to the residents of Hunters Oak. I received your standard notification through my door yesterday, 25th, and the last date for appeal is the 28th. No time for people who are away on holiday or really busy! Also I was unable to access any maps of this site on your website.

One of neighbours has complained bitterly about this, but they are now moving away from the close, as they virtually back on to the site.

I am extremely disquieted regarding the above application. I wrote to the Environmental Health Officer, Dawn Ryder, earlier in the year about the contractors starting at 6/6.30 am, and received a reply dated 12th May. (479109) I was complaining about the unreasonable levels of noise and disturbance caused by the Scaffolding contractors for the new housing estate as they were beginning work at 6.00 am and also the noise during the daytime was unacceptable. Clanging of metal on metal is not harmonious! My son was staying with me periodically during the spring and summer months as he lives in Derby but had to work often in London. He was sleeping in the back bedroom and constantly being woken up between 6.00/6.30 a.m. I regularly witnessed this noise myself and I don't know how people are supposed to carry out their jobs properly and earn an income if they are being denied sleep and rest. Also, being retired, I do not want to be woken up then either, and I desire a reasonably peaceful surrounding in the daytime, not scaffolding clanging around.

Ms Ryder stated that the stipulated hours of work should be after 7.30am and this was being contravened continually.

In Hunters Oak, especially in this cul-de-sac, we are extremely close to the scaffolding store, and the noise from the housing site in general is considerably troublesome at times, almost feeling the earth shake, which is an infringement of peace and privacy, and producing noise pollution.

Suffering extra clanging from the scaffolding site so close by (which makes me wince and my teeth go on edge,) is causing more unnecessary suffering. We were hoping this would cease

once the first phase of building was completed. Not only will we be losing our dark night sky from the new estate, and extra vehicular fumes and other noise, but we must continue to suffer from the clanging at all hours. Could they not make a depot on the far side of the excavation field, further away from residential properties? We already have other noise to contend with from the companies around the Gist site with the pallets and unloading etc. This new housing estate backs right up to the very edge of the Nickey Line and is extremely close to us.

I strongly object to the passing of this Planning Application. It is totally unacceptable and an infringement of privacy and respect for others. A bullying tactic, no less.

## **Considerations**

### Policy and Principle

The site, owned by the Council, has been utilised for B8 storage, the storage activity being a low grade use. Previously let to flowgas for the storage of gas cylinders and currently let to High Standards Scaffolding who are on a short term lease ending October 2020. Therefore although the use of the land has never been regularised the established use would be B8 Storage.

Saved DBLP (1991 – 2011) Proposals Map allocates the site for Housing and related Leisure uses (resp. H18 and L9). The proposal at the time assumed all the designated area would be brought forward for these linked designations. However H18 and L9 are now being delivered through the Spencer's Park Phase 1 development (now under construction).

This site and the woodland directly to the east of the site have been excluded from this development due to highly sensitive archaeological findings. This woodland will therefore be retained as woodland for perpetuity and will never be developed. Therefore the application site remains isolated.

As the site has remained isolated, it has been utilised for storage activity.

Therefore the retrospective application for the erection of scaffolding storage, in the context of the above, is assessed having regard to what circumstances apply to consider it acceptable ; i.e; that would justify the continued storage activity at this location, including the degree the site is screened, its current impact on existing nearby housing, any scope for visual improvements, and whether the activity can be suitably controlled.

### Effects on appearance of building and Street Scene

The site is located directly adjacent to the disused railway line 'The Nickey Line'. This separates the site from Hunters Oak which is the nearest group of residential properties. This provides an extensive visual buffer from this residential element. To the eastern side of the site is woodland which is to be preserved as a Neighbourhood park as part of the overall residential proposals - Spencers Park. This will therefore stay in existence and provide screening from this new residential development.

The site is also well hidden from Three Cherry Trees Lane as it has a verdant western aspect. The only way to see into the site is through the large gates which are the only access into the site.

Located to the south west of the site is a large industrial area with a mix of industrial uses (access of Three Cherry Trees Lane) which completely surrounds the properties off of Redbourne Road with the buffer of the Nickey Line.

Therefore in this regard the proposal has minimal visual impact on the street scene and

surrounding neighbours in accordance with Core Strategy Policy CS12.

### Impact on Neighbours

Despite the nature of the site, the Environmental Health department has received a relatively low level of complaints. In fact 3 in total since the site has been in operation.

The noise that the scaffold yard produces is relatively short in duration, for most of the day the yard is locked up and quiet.

There is already substantial early morning disturbance in the locality due to traffic movements and other businesses. The yard is not immediately adjacent to any residential properties and the layout of the old railway line make provides a substantial noise buffer for the residents at Hunters Park than it would otherwise be at the same distance.

Only one complaint received by Environmental health relates specifically to the noise of the scaffolding yard. This is a relatively low compliant level for an operation such as this that has been in operation for nearly 18 months.

It is also clear that the complaints which have been received are clearly mixing ongoing construction noise in with the scaffold yard operation because they are complaining when the scaffold yard is closed and builders are on site.

Additional acoustic screening was discussed, however Environmental Health officers were of the opinion this would make no real difference because of the nature of an open yard. The noise travels upwards and therefore would not be improved by additional fencing.

Taking into account the mixed use nature of the area, the location of the site being adjacent to a large existing industrial area, it is not considered that the scaffolding use produces an additional unacceptable detrimental effect on residential amenity on terms of noise. It is therefore considered acceptable in terms of Core Strategy Policy CS12.

### **Other Material Planning Considerations**

#### Impact on Trees and Landscaping

No impact - the insertion of the scaffolding stacking units have no impact on the existing trees and woodlands. They have no foundations and are in nature temporary.

#### Impact on Highway Safety

Hertfordshire Highways has confirmed that the granting of a VO licence is sufficient checking/evidence that there is sufficient operating space within the site for the lorries which service the site to turn. Lorries / vans approach the site from Redbourn Road up Three Cherry Trees Lane and are able to turn into the site and turn within the yard. They do not pass up Three Cherry Trees Lane through the access restriction.

Hertfordshire Network Management has not indicated any knowledge of specific traffic related issues associated with this yards operation. Moreover, the TRO team (Traffic Regulatory Order) states there is no sub clauses to any TRO that restricts access to the yard via Redbourn Road for HGV use.

Therefore the Highways Authority raises no objection that would be reasonable and justifiable that restricts planning permission.

It is considered appropriate to apply a condition which would make sure that all staff

associated with the business park their vehicles within the confines of the site and not on the public highway.

### Archaeology

The site and wider area is identified in the Site Allocations DPD as a new Area of Archaeological Significance (DAC\_63 Redbourn Road with Three Cherry Trees, Hemel Hempstead, Evidence of high status Roman occupation including burials). Given the advance stage the document has now reached, the archaeological designation can now be given weight (Policy CS27).

The County Archaeological team have been consulted and they have confirmed that the proposals would have no impact upon any archaeological remains.

### Employment

It is important to note that Employment uses, such as B class distribution businesses, such as the applicant, are a key component of the local economy and provide just under half of all jobs in the borough. Over 98% of all businesses in the borough are categorised as 'small' and together they employ nearly two thirds of all employees. It is therefore essential to provide sites which these uses can utilise.

The applicant has a total of 20 employees which are all locally based. The majority of their work is local, supporting the local economy.

Therefore the proposal is supported by Core Strategy Policy CS15 which has regard to storage and distribution and encourages development proposals that include provision for small businesses.

### Objections

The application attracted two objections from residents who were concerned with the noise that the scaffolding site generates and traffic issues.

It has been established that the noise which is generated in the locality cannot be solely attributed to the scaffolding site. Moreover due to the nature of the business, the noise generated is a relatively short period of the day. The adjacent construction site and industrial area in comparison produces noise for the main part of the day. Therefore there is not sufficient evidence to substantiate whether the scaffolding use produces an unacceptable level of noise over and above the existing ambient noise in the locality. An hours of operation condition is suggested which would exclude operations on Sundays and Bank Holidays.

The other concern is the impact of the use on Highways. However there are no substantiated complaints which can be directly attributed to the scaffolding site. A condition is suggested which would ensure that all vehicles are parked within the confines of the site. It has also been proven that lorries can turn within the site and therefore have no need to turn in the road.

### Conclusion

The activity on the site is already established (albeit without any formal planning permission).

It is concluded that due to the sites location, adjacent to an existing industrial area, surrounded by natural buffers of the woodlands to the east and the disused railway line to the north, circumstances exist which justify the continued storage activity at this location.

The site is well screened and therefore has no impact on the street scene and the surrounding



uses. The noise complaints are very low for such a use and the natural noise buffers are considered to provide an acceptable acoustic buffer from the existing and new housing. Conditions are suggested to restrict the hours of operation and the parking of site vehicles within the existing yard.

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

- 1 **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:  
site plan dated 10/08/2016**

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

- 2 **All staff vehicles associated with the business must park their vehicles within the confines of the site and not on the public highway.**

Reason: In the interest of Highway safety and in accordance with Adopted Core Strategy Policy CS12

- 3 **No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times on weekdays and Saturdays 5.30am and 7pm, nor at any time on Sundays, Bank or Public Holidays.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with Adopted Core Strategy CS12

#### **Article 35 Statement**

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