

**4/02711/15/FUL - CHANGE OF USE OF FIRST FLOOR ACCOMMODATION AND GROUND FLOOR LOBBY, FROM B1 OFFICE TO C3 RESIDENTIAL, CREATING THREE SELF-CONTAINED FLATS.**

**20 HIGH STREET, TRING, HP23 5AP.**

**APPLICANT: HOWMAC HOMES LTD.**

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[Case Officer - Nigel Gibbs]

## **Summary**

The application is recommended for approval.

The principle of new residential development is acceptable in accordance with Policies CS1 and CS4 of the Dacorum Core Strategy, with no objection to the loss of the office use.

The proposal provides an opportunity for a beneficial reuse of the vacant listed building, revitalizing this part of Tring Conservation Area.

Following a range of modifications there are no fundamental detailed objections to the conversion which accords, where feasible, with the detailed expectations of saved Policy 19 of the Dacorum Borough Local Plan.

## **Site Description**

The application site is a 19<sup>th</sup> Century Grade 2 vacant office building located to the rear of the Nat West Bank which fronts the High Street. Other than the pedestrian entrance the building is at first floor above the existing offices serving the bank.

The pedestrian access is from a narrow private roadway linking the High Street with a range of commercial and residential units. The roadway is part cobbled and part tarmac. There is no curtilage parking serving the offices.

The site is within the defined Tring Town Centre and Conservation Area and its Area of Archaeological Significance no.10.

## **Proposal**

This is for the building's conversion into 3 two bedroom flats served by a new ground floor pedestrian entrance and a separate essential internal refuse bin store. This store is to be formed through the proposed internal physical subdivision of the existing entrance lobby into two areas.

The slightly modified front elevation involves replacing the existing ground floor pedestrian entrance door with a timber louvered door to serve the new bin store. The existing pedestrian entrance canopy will be removed.

A new pedestrian entrance will be formed and served by the re used existing pedestrian door complemented by a new entrance canopy. The associated changes entail the relocation of a soil vent pipe and external meter boxes. There will be three vented flush tiles installed on the roof.

The conversion focuses upon minimising changes to the building's internal layout. All

existing skirting boards, doors, architraves, cornices and fireplaces will be retained.

The bin store will accommodate 4 bins enabling a mix of the standard general waste and recycling and food waste with room for the small food waste caddies.

There will be associated repairs to the existing external brickwork which are specified to be 'sympathetic to the existing' with the use of lime mortar and bonding to match the existing. Two bottom glazed panels of the main window on the west elevation are to be reinstated.

Note: The application drawings exclude changes to the roof void. The agent has recently confirmed that any associated works to facilitate the conversion - as recently observed by the Conservation Officer and Building Control - are requested to be considered entirely outside the remit of this application.

Background History: Previous Conversion Applications for Planning Permission 4/00539/14/FUL and Listed Building 4/00540/14/LBC, Appeals to the Planning Inspectorate and the Background to the Current Applications for Planning Permission and Listed Building Applications

The applicant's submitted earlier respective planning and listed building applications to convert the building into 4 flats. Although the principle of the conversion was acceptable there were fundamental objections due to the harm to the listed building and its setting and a detrimental effect upon the character and appearance of the Conservation Area, with a lack of an essential refuse facility and problematical internal fire access issues. There were no parking or highway safety objections.

Rather than refusing both applications for very robust heritage and layout reasons officers sought to address these issues. This culminated in the reduction of the number of flats to 3 and the provision of an internalised refuse facility. Despite this there remained unresolved issues safeguarding the listed building, the provision of an acceptable refuse facility and internal fire access safety.

This coincided with the applicants appeals to the Planning Inspectorate on the grounds on non-determination of both applications. This was for non planning contractual reasons regarding the applicant's purchase of the building. The site is currently in receivership.

The LPA would have refused both the planning and listed building applications if jurisdiction had been retained by the local planning authority.

Following the submission of the appeals the applicant then submitted the current respective planning and listed building applications. Consultation was limited with technical consultees given the background history. Yet again the Conservation and Building Control Team representatives identified a series of significant inadequacies and ambiguities in the proposals.

The Planning Inspectorate has arranged to visit the site on 15 December 2015, with decision expected after the meeting of the Development Control Committee.

These appeals are in tandem to the current respective planning and listed building applications. If the LPA grants the current applications before the DCC the appeals will

be withdrawn.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Tring Town Council.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Guidance Notes

### Adopted Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

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

CS13 - Quality of Public Realm

CS17 - New Housing

CS19 - Affordable Housing

CS27 - Quality of the Historic Environment

CS28 - Renewable Energy

CS29 - Sustainable Design and Construction

CS31 - Water Management

CS32 - Air, Water and Soil Quality

### Saved Policies of the Decorum Borough Local Plan

Policy 12

Policy 19

Policy 43

Policies 57 & 58

Policy 119

Policy 120

Appendices 1, 2, 3, 4, 5 and 8

### Supplementary Planning Guidance / Documents

Area Based Policies: Tring

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)

Note: The Area Based Policies for Tring does not address in any detail the Conservation Area. The approach is limited to conserving the historic core and preserving Tring's character of a small country market town.

### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Refuse Storage

## **Representations**

### Tring Town Council

Refuses this application on the grounds of there being no provision for parking and inadequate and dangerous access onto the High Street.

### Strategic Planning

There is no objection in principle. This takes into account that if the building was not listed the conversion would constitute permitted development.

### Conservation

#### *Initial Response*

The Conservation and Design Team has no objection to the proposal subject to some minor changes and points of clarification. These are necessary to ensure the significance and appearance of this listed building is retained. The following are recommended:

- Bin store door. The existing door should be removed and used in the newly created opening for the flats. A new part louvered door (or pair of doors) for the bin store should be installed to provide natural ventilation and clearly demarcate this bin store entrance from that to the flats. The open bracketed canopy should be removed, so as to more clearly demarcate this is no longer the entrance.
- New entrance opening for the flats; accuracy of the drawings.
- Open porch canopy over the newly formed entrance doorway. This should give emphasis to being the flats entrance.
- Eaves ventilation. Based upon discussions with Building Control and having regard to the visual effect of having the new ventilators set into the underside of the soffit the ventilators should be over fascia type, placed on the fascia board, up behind the line of the guttering which should mean these vents should be 'virtually invisible' when viewed from the ground.
- In order to minimise harm to the historic fabric and features of the first floor rooms and their proportions the introduction of acoustic upgrading to the existing wall should be limited to just those walls between the flats.

Through liaison with Building Control there are further details for requiring clarification to ensure compatibility with the building's fabric and historic significance.

The issues address fire protection between the different levels and the residential units: -

- Fire breaks in the roof space – how this is to be achieved?. Given the limited access there is to the roof space there are concerns as to practically how the insulation of the ceiling and the fire breaks could be achieved without there being a requirement to make new openings in the historic ceilings. ,
- Fire protection measures for the proposed doorways etc and compatibility with

- the timber architrave detailing / door frames etc.
- The means of fire protection between the first floor and ground floor.

Bin Store/ Lobby Entrance Modifications. It is acknowledged that this is the only credible solution to the need to provide refuse facilities within the application site. It is however a somewhat awkward solution that is far from ideal and visually may appear incongruous with restricted access to the flats that has implications for being able to get furniture in and out of the property.

Overview. On the basis that the plans can either amend in accordance with the above points or additional supporting information is provided then it should be possible to approve the application subject to certain conditions.

### *Response 2: Detailed Design Amendments*

The scheme is now very close now to achieving a good conversion scheme that respects the significance, features and appearance of this important listed building.

Noise Insulation .The changes with respect to the internal noise insulation between the units and the means by which the roof would be vented through the eaves would appear to be acceptable as they accord with the suggested alterations Conservation and Design Team recommended with advice from Building Control. However, the drawing showing the fire proofing should be made clearer in terms of denoting (in accordance with the advice given) which side of the external wall the fire proofing is to be added.

Bin Store etc the design should amended with respect to the louvre door to the bin store area. The provision of a single open canopy over the new entrance is a welcomed. The changes give greater clarity to the use of the different doorways. The proposed re-use of the existing entrance door in the proposed new location is supported but there is concern that this can actually be achieved

Sealing off a number of the internal doorways. Whilst keeping the door architrave and frame the proposal shown in drawing no. 239-06-P3 from a conservation point would be acceptable given the wooden frames continues through the fire protective materials it is unlikely that this approach would comply with Building Regulations.

Fire separations within the roof space. Due to the layout and limitations of this building it is questionable what is being suggested could be achieved or even desirable. There is only one access hatch into the roof space located in the corridor towards the rear staircase (all materials etc would have to be access through this) and there would be a strong resistance to forming any new loft hatches in the ceilings of the principle rooms. Given the form of the building's roof (ie trusses orientated in the same direction as the front elevation of the building) it is necessary to know the position of the roof trusses and in so doing devising a scheme given the limited access to the into the roof space that takes into account the trusses and their position.

### *Response 3: Unresolved fire and noise insulation measures*

Ideally these matters should be resolved before determining the scheme to ensure the proposed conversion can actually be accomplished without there being any adverse impact on the historic fabric and significance of the listed building.

There is a danger if left to condition that whilst permission is given to convert the upper floor of the property to three flats there is however not an acceptable means of providing the required noise insulation and fire protection measures to satisfy Building Regulations. There is a real concern that the LPA would have to accept measures that would be considered far from what would normally be considered acceptable for a listed building.

*Note: This was followed by a note of clarification that the meeting in early September 2015 between the Conservation Officer and applicant considered a range of issues. . This addressed the need for additional information with respect to the refuse/lobby design , the eaves vents and the matter of the noise insulation and fire protection measures to the doors and roof space, flues and vents for the kitchen and bathrooms. Any new vents or flues (potentially for gas boilers or air extraction etc.) through the exterior walling or through the roof would need to box in the pipework through the rooms and potentially visually impacting on the shape and form of the rooms. The developer would need to consider electric central heating systems and electric cookers to overcome the fact that any new external vents would not be supported.*

#### *Final Advice*

Noise Attenuation. The proposed noise insulation treatment to the floors and walls, t now meet the higher standard of noise insulation being now set by the Environmental Health Unit should be achievable with little need, if any, for further disruption to the historic fabric/significance of the building beyond that already being proposed. As such there is no need at this late date to seek additional information from the applicant on how this high level of noise insulation would achieved. The matter can be adequately addressed through a condition.

#### Building Control

Based upon the latest discussions and plans the provision of the separate pedestrian access and refuse facility are acceptable, resolving the previous significant shortcomings.

The applicant appears not to have addressed issues of compartmentalise within the roof space, which will be subject to Building Control approval with respect to fire separation and will have an influence on sound attenuation also. As this has only been identified recently, it is understandable that the issue of bat protection has only now been raised. This is something the contractors would have responsibility regardless and it would appear to be sensible to address it before work proceeds.

#### Noise and Pollution

Having reviewed the additional information provided any planning permission requires the provision of additional floor covering to impact insulation class and to increase sound insulation from 45dB to 50dB e.g carpet, cork or laminate flooring with acoustic underlay.

Walls should provide 50dB insulation between the units.

Reason: To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with the Policies and procedures of Dacorum Borough Council.

The Council has not received any information in relation the prevention of sound insulation from the Public House.

#### Hertfordshire County Council: Historic Environment

No response.

#### Hertfordshire Ecology

The building does have some potential for bats – it is old, there are bat records along Mansion Drive to the east and the grounds at the back of the property (outside of the application site) are heavily scrubbed and have mature trees, providing good bat foraging habitat locally despite this urban location. Consequently there is a possibility that bats are using the building, although the photographic evidence suggests the roof and associated features are in good condition (good condition slate tiles and clean, flush soffit areas) which limits visible opportunities for bats.

The proposals themselves do not impact upon the roof other than the introduction of a small number (four) of flush tile vents, as shown on drawings 239-03 and 239-06. Whilst these could change the conditions within the roof, given they are attached by a pipe to the living spaces below, HE consider they are highly unlikely to have a significant impact, if any, on the existing roof void. The works to place them in the existing roof will also be very limited in extent. Consequently HE consider the impact of the proposed works to the roof in respect of any possible bat roost, to be negligible.

In respect of the above, HE consider that the likelihood of a bat roost being present is low, and that the impact on the roof is also very low. Consequently HE believe the risk to bats to be negligible and that this falls below the threshold that an LPA would normally require to be met regarding the *reasonable likelihood of a protected species being present and affected by the proposals*, in order to justify a bat assessment.

On this basis HE would not advise that the LPA should require a bat assessment prior to determination, and therefore there should be no reason to require one as a condition. In any event, requesting bat surveys by condition do not follow accepted guidance. This requires that sufficient information should be provided as part of the planning proposals to enable a determination to be made with full knowledge of any impact and compensation requirements, in order to satisfy the Habitat Regulations. Equally, LPAs are not supposed to delay the planning process unnecessarily when considering biodiversity issues.

However, the potential for impact on bats cannot wholly be ruled out and so HE would advise that an informative is attached to any permission advising that:

- *If bats or any evidence of them is discovered during the course of any works, works should stop immediately and advice sought as to how to proceed. This may be obtained from: A suitably qualified ecological consultant; Natural England: 0845 6014523; The UK Bat Helpline: 0845 1300228 or Herts & Middlesex Bat Group:*

Comments received from local residents/ Response to Site Notice/ Newspaper Advertisement

*5 Bank Mews*

Support. However, with regard to the access road it is highly dangerous for pedestrians . Parking could also be an issue.

*19c High Street*

The access is not a good one, being so close to a very busy pedestrian crossing e.g. leads to Dolphin square and a collection of shops including Marks and Spencers . The post office , public house, funeral directors , 2 major banks, building society, plus recently added congestion from extensive building work adjacent to said public house make this perhaps ' the worst bottleneck' in not only Tring but arguably one of the worst in the borough council district. There is already constant movement of vehicles in the 6 or so commercial parking spaces in the mews, plus several further residential properties have recently been created and that this proposed additional load could become a greater traffic hazard. Some of these properties will undoubtedly have deliveries.

Some of the objections to the previous application 4/00539/14/FUL remain valid:

Refuse Storage. Potential residents of these proposed flats are unlikely to keeping rubbish inside until bin collection day, especially during the summer months. The writer can foresee a pile of rubbish bags being left outside in the mews further hampering access in and out and encouraging rats and foxes into this area or coping with not being able to get a car to their entrance (or indeed a removal van when they move in/out).

Access .Access to the building for works to be carried out would presumably be through the mews between the bank and the post office. This narrow alley way is currently used by pedestrians gaining access to the flats at the back of the old Rose & Crown Hotel, the people in the converted flats at the back of the mews, by the existing flat residents and by all employees of our company. This mews is also used for vehicular access to the car park for the converted flats, the existing flats and offices.

If plant and machinery is to be coming and going through this alley way there would be major disruption to traffic on the High Street. Larger vehicles would be unable to access through the narrow space and could block access completely or damage the building façade as was the case recently when a removal van attempted to negotiate the tight space into the High Street. There appears to be a finite quantity of the hand-held remote controls for the barrier with the resultant noise and disruption of constant associated with the barrier's use n.b. barrier no longer in use.

Please see Appendix 1 for

*Important Background Note: Relevant Technical Responses to Application 4/00539/14/FUL: Original Scheme for 4 Flats*

*Important Background Note: Relevant Technical Responses to Application 4/*



## **Considerations**

### Policy and Principle

Core Strategy Policy CS1 supports new housing within Tring. This is subject to it being of a scale commensurate with the town's size and with the range of local services and facilities, helps to maintain Tring's vitality and viability and causes no damage to its existing character.

Under Policy CS4 (Towns and Villages) a mix of uses are acceptable in the Borough's town centres. These include shopping, compatible leisure, business, residential and social and community uses. It is expected that retail, business and residential uses will be controlled to enable a broad range of uses to be maintained/ achieved.

Under saved DBLP Policy 19 the conversion of non residential buildings to incorporate flats or houses will be permitted in the Borough's town centres, subject to an appropriate mix and balance with other uses being achieved.

Set against this background the principle of the conversion is acceptable. Within the site's vicinity there will remain a wide variety of uses and there is no robust case to retain the offices with due regard to these policies and the now established national approach supporting the conversion of the offices to residential normally as permitted development.

### The Layout Expectations of saved DBLP Policy 19: Conversions to Residential

- The Policy

Policy 19 expects that all conversions are be designed to a high standard, taking full account of the character of the area. Conversions which would adversely affect the architectural or historic character of a listed building and/or its setting will not be acceptable.

In particular where flats are provided, the policy expects that the following criteria must also be satisfied:

- (i) flats should be self-contained;
- (ii) flats should have a reasonably convenient layout, having due regard to neighbours;
- (iii) the layout should include adequate amenities, such as refuse disposal facilities, drying areas and proper access to outdoor amenity space: outdoor amenity space should be provided wherever possible, and most particularly where houses would be converted;
- (iv) flats should have a reasonable amount of internal space;
- (v) flats should be adequately insulated to limit the transmission of noise; and
- (vi) unless the building is within easy walking distance of a wide range of facilities, services and passenger transport, convenient

off-street car parking should be provided in accordance with the guidelines set out in DBLP Appendix 5. It must be done without detracting from the amenity and character of the property itself or the neighbouring properties.

- Reasons for Policy 19

These include, where relevant:

1. Older, larger, underused or redundant buildings can be renovated and brought into more effective use through conversions. The more effective use of these buildings and land can reduce the need for development elsewhere, in particular at less sustainable greenfield locations.

2 Converted properties are a significant source of new homes. They are often available at lower prices than newly built houses and flats; they may provide a first rung on the housing ladder for young people and/or suit the needs of small households.

3 However they do need to be controlled. A balance needs to be struck between different sizes and types of accommodation and the stock of single family dwellings protected. Important services used by residents should normally be retained, for example social and community facilities (ref. Policy 68) and local shops. The character and appearance of different parts of the Borough should be protected. Harmful effects on individual neighbours through noise, disturbance, etc, can be avoided by carefully designed layouts and attention to detail. Careful design will have the added benefit of ensuring a reasonable standard of accommodation for future occupiers of the dwellings.

- Background to Policy 19

Issues relevant to this case include:

1. The Council expects converted flats to provide the new occupier(s) with a reasonable standard of living space. Environmental Health standards recommend the minimum size of flat should not be less than 22 sq. m of habitable floor area (habitable floor area is the internal measurement of all living and kitchen areas, excluding toilets, bathrooms and circulation areas).

2. Parking is normally provided with residential development, taking account of existing circumstances. Guidance is given in Appendix 5. Particularly accessible areas lie within 400 m walking distance of shops and services and passenger transport and are defined by Accessibility Zones 1 and 2 in Supplementary Planning Guidance referred to in Appendix 5 under 'Accessibility Zones for the Application of Car Parking Standards'. Criterion (vi) enables parking provision to be relaxed in these locations, because occupiers will have less need to own and use a car.

#### Assessment of the Form of the Development /Layout: DBLP 19 Criteria: Summary

The flats comply with criteria (i), (ii), (iii) in respect of refuse disposal and (iv). The issues of amenity space, noise transmission and parking provision are addressed

below.

### Impact upon the Listed Building /Layout/Character and Appearance of the Conservation Area

This is with due regard to Policies CS 10, CS11, CS12, CS13 and CS 27 and saved DBLP Policies 19, 119 (Development affecting Listed Buildings) and 120 (Development in Conservation Areas) and its relevant Appendices.

The outcome of very extensive, necessary and prolonged specialist input by various members of the Conservation Team and Building Control has culminated in a far more acceptable conversion scheme than earlier approaches. Subject to the imposition of conditions the proposal is acceptable. The proposal will rejuvenate this deteriorating listed building in the Conservation Area resulting from the site's ongoing vacancy, with a positive effect upon the Area's character and appearance.

Unlike the original proposals the scheme's bin storage facility ensures that there is no external refuse storage on the roadway which would have been seriously and permanently detrimental to both the setting of the listed building and the character and appearance of the Conservation Area. Currently external storage is regularly visible within roadway associated with longstanding premises in the immediate locality with a resultant but unavoidable harmful effect due to the lack of refuse storage facilities.

### Highway Safety (Vehicle/ Pedestrian), Sustainable Location/ Parking / Traffic Generation/ General Access/ Fire Access/ Access for Persons with Disabilities- Inclusive Access/

Highway Safety/ Access/ Traffic Generation. The access is very poor in terms of its width and closeness to such very busy section of the High Street with an extremely high level of pedestrian movements. However, as there is no parking associated with the development this is an overriding benefit resulting from the conversion as the additional vehicular movements would be limited to servicing. On this basis a case to refuse the proposal due to the adverse highway safety implications/ narrow access facility could not be substantiated.

Fire access. Despite the roadway's restricted width a fire tender can park close to the building within 45 metres of all parts of flats. A dry riser could be also be installed.

Sustainable Location. The site's Town Centre location is a really excellent sustainable location. There are a wide range of facilities/ services very close to the site, with nearby main bus stops for all the main routes serving local and wider destinations.

Parking. In this highly sustainable location with due regard to saved DBLP Policy 58 the provision of no parking is acceptable. For clarification saved Dacourm Borough Local Plan Policy 58 (Private Parking Provision) addresses 'Residential Development' under page 186:

'Parking needs, calculated by reference to the parking guidelines in Appendix 5 of the Plan, will normally be met on site.

Car free residential development may be considered in high accessibility locations. Parking provision may also be omitted or reduced on the basis of the type and location of the

development (e.g. special needs/affordable housing, conversion or reuse in close proximity to facilities, services and passenger transport)'.

**Inclusive Access/ Access for Persons with Disabilities/ Limited Mobility.** A negative element of the scheme is the lack of access for wheelchair access to the first floor. It is also difficult to install an internalised stair lift. For clarification under Building Regulations involving residential conversions the standards are less for access for persons with disabilities.

#### Impact upon Residential Amenity of the immediate Locality/Relationship with Adjoining Commercial Units / Amenity Space/ Noise Attenuation

It has been taken into account that historically there has for many years a close coexistence of the cluster of courtyard buildings involving a mix of uses with windows close to each other. Moreover it is understood that the first floor was originally residential. In this context the 'window - window standard privacy' standard should not be applied and there has to be a recognition that in this typical town centre location the background noise levels are materially different where ambient noise is higher than a residential area.

In this context there is no case to refuse the application based upon no demonstrable harm to nearby dwellings in terms of privacy, noise and disturbance.

Despite the noise levels associated with such a town centre location due to the implications of minimising the effect upon the listed building's fabric there may be some need to adopt a flexible approach to sound insulation for the floor which is above the offices. The applicant has accepted that double glazing is not supported by the Conservation Team in this High Street location. A noise attenuation condition is recommended.

There are significant benefits arising from the provision of the internalised refuse storage facility. This avoids the adverse environmental hazards associated with external bin storage in an area with a high density cluster/ mix of residential and commercial uses.

Although there is no amenity space serving the flats this is common in town centre locations with public open spaces nearby.

#### Ecological Implications/ Biodiversity

The submitted application involves minimal external works to the roof. The agent and applicant have fully acknowledged the issue/ implications of the presence of bats. An informative is recommended in accordance with Hertfordshire Ecology's advice.

#### Crime Prevention/Security

The re use of the longstanding vacant building is a resultant benefit. There will be improved natural surveillance of the access road/ yard. The provision of a lockable bin store avoids the crime problems associated with refuse left in semi/ public areas.

#### Approach to Sustainable Construction

Given the need to reconcile the respective listed building and building regulation requirements it has not been feasible to address all the requirements expected through Dacorum Core Strategy Policy CS29. A condition is recommended.

#### Drainage/ Contamination

There are no objections with due regard to the previous advice of Thames Water and the Council's Scientific Officer.

#### External Lighting

Subtle additional lighting in the courtyard would be beneficial in enlivening the link between the site and the lit High Street and in the interests of crime prevention. A condition is recommended.

#### Archaeological Implications

Archaeological conditions are recommended in accordance with Hertfordshire County Council's Historic Advisor.

#### Affordable Housing / Planning Obligation

There is no requirement.

#### Environmental Impact Assessment

This is not necessary.

#### Conditions

A range of conditions are appropriate.

#### Community Infrastructure Levy

A contribution is necessary.

#### Article 35

Without the very extensive expert specialist advice by three Conservation Officers and Principal Building Control Officer the conversion could not be supported.

The respective officers have individually and collectively guided the applicant and the applicant's own advisors in a positive way resulting in the modification of the initial application from four to three units. This necessary approach has addressed the very significant difficulties in reconciling the safeguarding of the listed building's important features and providing a robust workable layout with regard to fire access/ safety and refuse storage. Their exhaustive and constructive technical input has sought solutions at all times.

The balance has now been achieved in securing a positive way forward. Any works to the roof which will require separate consideration outside the remit of the application's submission.

## Conclusions

This 3 unit proposal offers an ideal opportunity to reuse the listed building for an acceptable alternative, with no fundamental objection to the loss of the vacant former offices. It will reinvigorate this part of Tring Conservation Area. The latest scheme is the outcome of positive dialogue between the applicant and LPA.

In this highly sustainable location there is a very robust case to substantiate the grant of permission without any parking. The resultant benefit is that the additional vehicular movements will be very limited, restricted to servicing vehicles. It is concluded that although there is no parking or amenity space with adequate refuse storage the proposal is acceptable providing three 'sizeable' new dwellings.

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 begun 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 Notwithstanding the submitted details no development hereby permitted shall commence until a full schedule of all materials and finishes to be used in the external changes to the building shall have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details.**

Reason: To ensure that the development is compatible with the existing listed building and the character and appearance of Tring Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 3 Any replacement rainwater gutters downpipes and soil vent pipes shall be of metal, of the same design and painted black.**

Reason: To ensure that the development is compatible with the existing listed building and the character and appearance of Tring Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 4 Prior to the occupation of any of the flats hereby permitted full joinery details of the canopy to the new entrance shall be submitted to and approved in writing by the local planning authority. The canopy shall be**

**installed fully in accordance with the approved details.**

Reason: To ensure that the development is compatible with the existing listed building and the character and appearance of Tring Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 5 Notwithstanding the details shown by Drawing No. 239-03 Rev P14 the new pedestrian entrance and canopy hereby permitted shall be provided before any of the flats are first occupied fully in accordance with the details shown by Drawing No. 239 -04 P6 and these shall be thereafter retained at all times served by a level threshold . All of the full height internal wall separating the new entrance with the separate refuse store subject to Condition 6 shall be retained at all times.**

Reason:To ensure that the development is compatible with the existing listed building and the character and appearance of Tring Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 6 Notwithstanding the details shown by Drawing No. 239-03 Rev P14 the three flats hereby permitted shall be served by the approved communal refuse storage shown by Drawing No. 239-04 which shall be provided fully in accordance with the approved details before any of the flats hereby permitted are first occupied and thereafter shall be retained at all times and shall only be used for refuse storage. The refuse store shall be served at all times by a level threshold.**

Reason: To ensure that the development is compatible with the existing listed building and the character and appearance of Tring Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 7 Notwithstanding the submitted details before the commencement of the development hereby permitted a scheme for noise insulation shall be submitted to the local planning authority. The scheme shall be installed fully in accordance with the approved details before the occupation of any of the flats hereby permitted.**

Reason: To address noise insulation with due regard to the requirements Policy 19 of the saved Dacorum Borough Local Plan.

- 8 Before the commencement of the development hereby permitted a Sustainable Design and Construction Statement shall be submitted to the local planning authority. The development shall be constructed and maintained in accordance with approved scheme.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy.

- 9 **Before the first use of any of the flats hereby permitted an exterior lighting scheme shall be submitted to the local planning authority. The approved exterior lighting scheme shall be installed and thereafter retained and maintained fully in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: To safeguard the local environment in accordance with accord with the requirements of Policies CS12, CS27, CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 10 **Before the first occupation of any of the flats hereby permitted a scheme shall be submitted confirming how the roof void is to be used, altered and maintained.**

Reason: To ensure that the roofs future is clarified in the carrying out of the development to accord with Policy CS27 of Dacorum Core Strategy.

- 11 **No works of alteration or development shall take place until the applicant, or their agents or successors in title, has/have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.**

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with Policy CS27 of the adopted Core Strategy.

- 12 **All the bathroom and shower windows shall be permanently fitted with obscure glass.**

Reason: In the interests of Policy CS12 of Dacorum Core Strategy.

- 13 **No additional external vents, flues or other form of opening other than those hereby permitted shall be installed at the site.**

Reason: To ensure that the development is compatible with the existing listed building and the character and appearance of Tring Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 14 **The development shall be carried out fully in accordance with a Construction Management Plan which shall be submitted to the local planning authority before thy commencement of the development hereby permitted.**

Reason: In the interests of safeguarding the residential amenity of the locality and in the interests of highway safety to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.



- 15 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following drawings:**

**Location Plan  
239-02 Rev P7  
239-03 Rev P14  
239-04 Rev P7  
239-05 Rev P3  
239-06 Rev P3  
SK 2**

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

NOTE 1:

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. 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 2012

INFORMATIVES

Bats

Notwithstanding the content of the e mail dated 3 December 2014 the local planning authority regarding bats :

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;  
Recklessly disturb bats;  
Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or any evidence of them is discovered during the course of any works, works should stop immediately and advice sought as to how to proceed. This may be obtained from: A suitably qualified ecological consultant; Natural England: 0845 6014523; The UK Bat Helpline: 0845 1300228 or Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

Removal of Asbestos

Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be

dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

### Construction

Best practical means should be taken at all times to ensure that all vehicles leaving the site during the construction of the development are in a condition such as to not emit dust or deposit mud, slurry or other debris on the highway to minimise the impact of construction vehicles whilst the development takes place.

All areas for storage and delivery of materials associated with the construction of this development should be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway; in the interest of highway safety and free and safe flow of traffic.

The highway authority requires that all new vehicle crossovers are constructed by approved contractors. All works must be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact [www.hertsdirect.org](http://www.hertsdirect.org) or telephone 0300 1234 047 for further instruction.

## ***Appendix 1***

### ***Important Background Note: Relevant Technical Responses to Application 4/ 00539/14/FUL: Original Scheme for 4 Flats***

#### Tring Town Council

No objection, however there are concerns regarding the S shaped narrow lane and access issues.

#### Conservation

##### *Main Response*

Number 20 High Street Tring is an early 19<sup>th</sup> C Grade II listed building located within Tring Conservation Area.

The application seeks to convert the upper floors into four flats.

Although the ground floor of this building has in areas more significant decorative features nevertheless great care and attention has been applied by the architect to the upper floor even though these would have been considered perhaps less important non-public areas. This concurs with this being a public building where its very nature would have required it to both impress and encourage clients of a certain social status.

However, even on first floor the sense of spaciousness and subtle attention to detail is apparent. The classical proportions and detailing offers an elegant composition which is reflected in the cornice detailing; windows; fireplaces; remaining original doors and other small but significant minutiae.

The proposal to vertically subdivide the building to form 4 flats would greatly alter the interior and the sense of space of the interior. It would compromise areas of the building's interior detailing. The historic plan form which contributes significantly to its listing would be subsumed by the amount of sub-division proposed, and the status of rooms would be lost. The historic plan form can be one a heritage's most significant features. Together these proposed changes and their invasive nature would fail to preserve the special architectural interest of the listed building and have an adverse effect of the historic character or appearance of the interior.

Paragraph 132 of the National Planning Policy Framework states that great weight should be given to the conservation of heritage assets, as they are irreplaceable and any harm should require clear and convincing justification. The harm would be substantial.

The applicant says little about the changes to the interior: No detailing regarding pipe runs, central heating or electrical schematics have been supplied and this would be required for a listed building application. Also the existing lobby area and external features have also not been included.

However for the above reasons it is recommended this application for refusal.

### *Response to 3 Flats*

Reducing the units to three puts less pressure onto the building and retains the existing room form virtually pretty much intact which is positive.

However there are the following concerns :

- There are no schematics detailing internal pipe runs for facilities and kitchen
- There are no external pipe runs supplied on elevations.
- An annotated working drawing showing all of the features in each room should be cross-referenced to actual images – these need to be itemised as part of a schedule identifying the features located in each room.
- There is no details regarding fire control, noise reduction or insulation.
- Any Building Regulations that will effect either the internal or external fabric will require submission through the listed building details of fitting of stud wall (i.e., the bathroom and passage by arched details) that ensure this will be undertaken in such a way as to cause no damage to historic plasterwork etc., and that it is confirmed in writing are totally reversible.
- There has been no details of storage of waste/recycling supplied despite this being drawn to the applicants attention on numerous occasions.
- A schedule of repairs (i.e., to damage to ceilings hidden by suspended ceiling) will need to be supplied
- Blocked fireplaces need to have investigative works undertaken to establish whether any features remain – where there are features (not entirely clear) these need to be exposed where possible whether fireplaces are to be used or not
- Floor coverings or exposed floorboards – whichever details will need to be supplied
- Details of any lighting or electrical wiring scheme involving additional fittings will need to be supplied along with new fittings
- The photographic evidence supplied is helpful but not all of the images have been identified and need to be for clarity
- If it is intended to obscure bathroom windows details (which should be reversible) of how this is going to be achieved need to be supplied
- Door schedule detailing (by numbering) doors which are being relocated, fixed shut or removed (details of how the permanently shut doors are going to be dealt with from both elevations)
- Can the gas fire be removed from the art deco fireplace without further damage? How is the existing damage planned to be repaired?
- I presume all existing fixed cupboards will be retained (excluding modern kitchen fittings)
- Central heating or heating to individual apartments – how is this going to be achieved and what method? (gas? Radiators etc?) Any external fittings proposed for boilers and their location needs to form part of any application.

- Regarding radiators all of the pipe runs will require to be surface mounted.

## Hertfordshire County Council: Highways

### *Initial Advice*

This proposal is offering no off street parking provision. Whilst accepting that the site is in the town centre which is highly sustainable, with good alternative transport modes and links to the main line train station at Tring, the level of off street parking provision this proposal should generate will need to accord with the local authority's parking policy and the supplementary planning guidance in terms of confirmation that zero off street parking is acceptable.

The applicant will also need to confirm in writing how the works to convert the B1 office to C3 residential use will be managed when it appears that they do not have access to the yard behind and the service road. It follows that building materials and contractors parking, etc, will not be permitted to obstruct the High Street to facilitate this proposal. The highway authority looks forward to receiving confirmation and further details on the two points above.

### *Additional Comment*

Since the Hertfordshire County Council's Structure Plan was superceded some years ago and the 10 borough/districts were awarded SPA status, HCC do not have a parking policy for 'off' street parking and 'on' street for that matter and rely on the 10 borough /districts policies for guidance. All off street parking and on street is managed and controlled by DBC in accordance with your parking policy and enforcement via Vinci Park.

If the LPA is content with zero parking as part of this proposal then the highway authority would have little grounds for supporting a recommendation for refusal.

## Scientific Officer

No comments regarding contamination.

## Building Control

There has been very extensive dialogue including a site meeting.

In summary in order to provide an internalised refuse facility there is requirement to provide a separate refuse area from the pedestrian access. This is with regard to fire safety and health reasons.

## Noise/ Pollution

Where the development is within a mixed use development or close to neighbouring properties:

### *Noise Insulation*

Due to the neighbouring property being a pub, before construction works commence a scheme providing for the insulation of the building against the transmission of noise and vibration to the building is necessary.

*Examples where condition may be applied: An industrial unit with plant/machinery, a building converted for use as a child play centre/sport centre or place of worship (especially if amplified music).*

#### *Noise on Construction/Redevelopment/Demolition Sites*

The applicant 's attention to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. And the best practicable means of minimising noise should be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

#### *Construction of hours of working – plant & machinery*

In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or Bank holidays.

#### *Asbestos*

Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

#### *Bonfires*

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

#### Refuse Controller

Current residents present their waste onto the High Street in bags but new developments have the opportunity to make a provision for the storage of waste and in all cases domestic waste should remain separate to commercial.

Although not ideal it is preferred that if there is not enough room for individual

receptacles then they should have shared facilities. Four flats would need 1 x 1100ltrs eurobin emptied on a weekly basis. However with the new waste strategy it would be preferable to have enough storage for 2 x 770ltr eurobins so that they would have the possibility to recycle.

Residents are expected to keep their waste within their boundary until collection day so on this basis it would be expected that they contain it within their flat if there is no separate storage. This area like many others is subject to vermin so to encourage residents to put bags out on the High Street would only make matters worse.

If the premises already comprises a number of flats and if feasible maybe this would be the opportunity to include their waste storage needs to improve the area.

As usual there should be no steps between the storage area and the collection vehicle which is typically a 26 ton rigid freighter and consideration should be given to its size and manoeuvrability.

#### Hertfordshire County Council :Historic Environment

The following advice is based on the policies contained in the National Planning Policy Framework (NPPF).

The site of the proposed development lies in Area of Archaeological Significance No 10. This notes that Tring is a medieval village, and that the parish church of St Peter & St Paul dates from the 14<sup>th</sup> century. The structure subject to the proposed development is Grade II. The earlier elements of the building are believed to date from the 18<sup>th</sup> century, with substantial early 19<sup>th</sup> century additions. Such Industrial Age structures 1760-1960 have been identified as being of particular interest and as facing a high rate of loss (through redundancy, conversion, and demolition) in regional research agendas (East Anglian Archaeology occasional paper 8, 2000).

Therefore the following provisions be made, if planning permission is granted:

1. The archaeological recording of the standing structures in their present form, and the subsequent archaeological monitoring of any structural interventions.
2. The archaeological monitoring of all ground works associated with the proposed development, including underpinning, foundation trenches and service trenches.
3. A contingency for the archaeological investigation of any remains encountered during the monitoring programme.
4. The analysis of the results of the archaeological work and the production of a report and archive.

These recommendations are both reasonable and necessary to provide

properly for the likely archaeological implications of this development proposal. These closely follow the policies included within National Planning Policy Framework (policies:132, 133, 134, 135, 141 etc.), and the guidance contained in the Historic Environment Planning Practice Guide.

In this case two appropriately worded conditions would be sufficient to provide for the level of investigation that this proposal warrants.

#### *Condition A*

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

#### *Condition B*

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

#### Thames Water

No sewerage objections.