

**4/01424/11/FUL - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF REPLACEMENT BUILDING WITH RETAIL UNIT, THREE FLATS AND ASSOCIATED PARKING ARRANGEMENTS.**

**195 HIGH STREET, BERKHAMSTED, HP4 1AD.**

**APPLICANT: SORBON ESTATES.**

[Case Officer - Nigel Gibbs]

[Grid Ref - SP 99071 07850]

### **Summary**

Note: This report is for Planning Application 4/01424/11/FUL and associated Conservation Area Consent 4/01425/11/CAC.

4/01424/11/FUL: This application is recommended for approval.

The redevelopment proposal will reinvigorate the site and enhance the character and appearance of this part of Berkhamsted Conservation Area. The reintroduction of a replacement retail unit will enliven the established shopping frontage. The accommodation of 3 additional flats in a very sustainable location will reinforce the LPA's approach to the previous application at the site involving the residential flat conversion of former building. As whole the design will positively contribute to the existing character and appearance of the High Street. There will therefore resultant local economic, housing and visual benefits.

In the holistic approach to the development these positive outcomes outweigh the concerns regarding the massing of the rear of the building. There are no fundamental detailed objections to the proposal

4/01425/11/CAC: This application is recommended for approval.

Due to the positive effect of the redevelopment retrospective Conservation Area Consent can be approved for the demolition of the building.

### **Site Description and Background**

No. 195 adjoins the High Street's junction with Elm Grove. This currently vacant and boarded site was the former premises of celebrated local historian Percy Birtchnell's clothes shop.

The former 4 storey building (incorporating a basement) was most distinguished by its 1930's/1950's distinctive shopfront incorporating an off centre door and associated deep fascia sign. The building was also distinguished by its front elevation's design detail, its narrowness and height in relation to the adjoining buildings. Its massing was accentuated by its very substantial assertive largely 'visually unbroken' flank wall abutting the rising Elm Grove footpath. The upper floors provided residential accommodation through an array of rooms at different levels supported by a subordinate rear three storey component adjoining a parking area for 2 vehicles linked to Elm Grove Avenue. A commercial garage adjoins the site's 'parking area.

No.193, a two and a half storey 'arts and crafts' style building, abuts its eastern boundary. This features a ground floor opticians, first floor flat and large rear garden.

Following the former building's sudden and partial collapse in January 2010 and its subsequent necessary demolition (following unsuccessful measures for the building's retention for structural reasons in high winds) the site has remained vacant and boarded. It now represents an unsightly and harsh scar within the Conservation Area.

During the period immediately following the building's demolition the applicants held meetings with officers with a view of establishing 'a design template' for the building's replacement. This

has culminated through extensive dialogue in the currently submitted scheme.

## **Proposal**

The Planning Application involves a modern replacement for the demolished no.195 with a ground floor shop, 2 two bedroom flats and 1 one bedroom flat above. The associated Conservation Area Consent seeks **retrospective approval** for the demolition of no.195.

The proposed 3 and a half storey red brick gable roof building will project forward of the original footprint within the High Street. There will be a symmetrical appearance to the front elevation with 2 sets of timber sash windows at the first and second floors and 2 gable roof dormers within the roof. The timber shopfront will be flush with the pavement.

The high gable end flank wall return to the Elm Grove corner will incorporate a chimney and a series of windows, some of which will be blank and recessed. The rear elevation features a very high gable roof at 90 degrees to the main roof. The elongated 'sash window' design theme with associated stone work cills and brick arches of the front and side elevations is reinforced at the rear. The rear rear slope will incorporate a solar panel. A high brick boundary wall will abut Elm Grove with a rear entrance to the flats. Two parking spaces will be provided at the rear of the site.

Through the officer-agent dialogue there have various modifications to the scheme and preparation of photo montages. This has culminated in fresh consultation with the Town Council and neighbours.

A range of documents have been submitted in support of the proposals. Annex A ( to be circulated separately ) contains the agent's responses to the initial comments of the Town Council and some of those of the Conservation Team.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council and the site's high public profile.

## **Relevant Recent Planning History**

During the period preceding the building's partial collapse and subsequent demolition there were a series of planning applications at the site. The most significant was Planning Permission 4/ 01502/10. This related to the retention of existing shop front and rear extension with external alterations to allow increase in retail area and conversion of existing residential unit into 3 flats.

## **Policies**

### National Policy Guidance

PPS1, PPS3, PPS4, PPS5, PPS5, PPS12, PPG13, PPS23, PPG24 and PPS25

Circulars 10/82, 15/92, 11/95, 15/97, 02/98, 01/01, 05/05, DOE 01/06, 06/05 and 02/09

Draft National Planning Policy Framework (NPPF): Note: Existing PPG's and PPS's remain in force until formally superseded by the NPPF

By Design  
Planning for Town Centres  
Safer Places: The Planning System & Crime Prevention

Planning & Access for Disabled People

East of England Plan

Policies SS1, SS2, SS4, SS6, H1, T1, T2, T3, T4, ENV 3, ENV 6 and ENV 7

Dacorum Borough Local Plan

Policies 1, 2, 3, 9, 11,13, 14, 15, 16, 17, 18, 38, 39, 40, 41, 42, 49, 51, 54, 58, 61, 63, 113, 118,119, 120, 122, 123 and 124

Appendices 1, 3, 5 and 8

Pre-Submission Core Strategy (October 2011)

Policies CS1, CS4, CS9, CS10, CS11, CS12, CS13, CS16, CS17, CS27 and CS29

Supplementary Planning Guidance

Berkhamsted Conservation Character Appraisal and Policy Statement for Berkhamsted  
Environmental Guidelines  
Water Conservation & Sustainable Drainage  
Energy Efficiency & Conservation  
Accessibility Zones for the Application of Parking Standards

**Representations**

Berkhamsted Town Council

*Original Submission*

Object: The design, mass, bulk, scale and height of the proposed development, for example:

- Dormers – pitched roof rather than flat, position too low on roof.
- Facade – lacks detailing associated with previous building (eaves detail, bays window), design is too uniform and symmetrical.
- Massing and scale of roof slope too great.
- The proposed building line has been brought forward relative to the previous building which increases the visible mass and bulk when approached from the northern end of the High Street.
- The mass and bulk of the rear extension is too dominant – roof too high and dormer inappropriate.
- The overall height is too dominant when considered against neighbouring properties.  
Inadequate parking provision – The usable accommodation has increased to three flats and the retail space has been increased, yet the parking provision remains at two spaces. The design should incorporate at least the maximum parking standard for the zone.

Contrary to Policies 11, 120 and Appendix 5 Dacorum Borough Local Plan and Planning Policy Statements 3 and 5

The long standing parking problems in and around Elm Grove would be exacerbated as there would be three flats with only two parking bays and no designated parking area for the retail outlet staff. During the build Elm Grove contractors would park and store materials on the road, blocking the entrance to Elm Grove. If approval given, conditions should be imposed and strictly enforced to prevent this.

### *Revised Submission*

A reiteration of the above.

### Strategic Planning and Regeneration

The site lies within the town centre (Policies 9 and 39) and conservation area (Policy 120) of Berkhamsted, wherein a mix of uses is encouraged. The building which occupied the site partially collapsed in January 2011 and was subsequently demolished on health and safety grounds. It was previously in mixed use with retail at street level and residential above.

In October 2010 planning permission was granted subject to a number of conditions for the retention of the existing shop front and a rear extension with external alterations to allow for an increase in retail area and conversion of the existing residential unit into 3 flats (1502/10/FUL).

One of the key issues in the determination of the application was the level of parking provision as only two parking spaces were provided for in the proposal. Having regard to the following, two parking spaces were deemed to be sufficient:

- appeal decision (APP/A1910/A/06/2023825),
- a comprehensive assessment by HCC Highways,
- the highly sustainable town centre location, and
- the attractiveness of the residential units to non-car owner

The new proposal is as per the application granted in October 2010: mixed-use with retail at ground level and residential above (split into 3 units). The development is supported in principle. The proposal retains shopping at ground level and therefore accords with Policy 42 which seeks to retain shops within the main shopping frontage (of which 195 High Street is a part). Policies 9 and 39 encourage mixed-use developments in town centres provided the uses are compatible. Retail and residential uses are generally harmonious. Furthermore Policy BTC2 (iv) specifically promotes the use of upper floors of retail premises for residential purposes.

The site is in a very prominent and sensitive location being located on a corner plot within the Berkhamsted Conservation Area (Policy 120). The design of the replacement building is therefore key. It is important that the new building retains active and attractive frontage to the High Street and Elm Grove. The replacement building appears very similar to the previous building in terms of height, bulk and mass. The views of the Design and Conservation Team should be sought and there should be reference to the detailed conservation advice provided in the Berkhamsted Conservation Area/Character Appraisal and Policy Statement (High Street identity area).

This site would justify low levels of parking given its accessible location (Policy 58) and as it falls within Accessibility Zone 2. Although there is a case for at least 3 spaces given the intensification of residential use compared to before (the maximum parking standard for a 1x4bed unit in Zone 2 is 2 spaces whereas the maximum standard for 1x1bed and 2x2bed units in Zone 2 is 3 spaces) the argument for just 2 spaces is quite strong (this is expanded upon under 1502/10/FUL. Therefore there is no objection to this level of parking.

The uses proposed are appropriate for this location and are supported in policy terms. Design of the replacement building should be a foremost consideration given the sensitive and prominent location of the site in Berkhamsted Conservation Area.

### Conservation & Design

### *Original Submission*

This is an important prominent site within Berkhamsted Conservation Area. The scheme could be improved by reducing the bulk and massing of the rear extension which as currently proposed is not subservient in form. This would help the relationship with the neighbouring development and would relate better to the context.

It is questioned whether the issue of rainwater goods has been resolved since there seems to be few down pipes shown for such a large expanse of roof. Where rainwater pipes are shown on the building, these should incorporate traditional hoppers.

If this proposal is recommended for approval, I would suggest that the following conditions are included:

- All materials
- Brickbond to be Flemish bond unless otherwise agreed
- Detailed drawing to be submitted for the shop front (1:10 with details at 1:2, 1:5)
- Detailed drawings of the gauged window heads
- Detailed drawings, including sections of the sash windows, to show material, profile and means of opening
- Stone window cills
- Hard and soft landscaping
- Lighting
- Recess of blind windows
- Refuse and recycling storage
- Flues, extractors and vents

*Additional Information including Computer Generated Images with due regard to the issues referred to above*

The scheme could be improved by reducing the bulk and massing of the rear extension which as currently proposed is not subservient in form. This would help the relationship with the neighbouring development and would relate better to the context.

The ongoing concerns regarding the heating flues with relocation to the rear of the building and the use of traditional sliding slash windows resolve previous objections.

The shopfront will be the most prominent feature. This is a new building which is not matching the design or profile of the original shop front. The whole building is being brought forward, hence the shop front is important in the street scene and is in a prominent corner location. The bulk and massing of the new building will be dominant and assertive. If the shop front had a recessed doorway this would help model and articulate the building at ground level and visually reduce the impact.

### Building Control

There are no apparent fundamental fire access objections. Precise details will require consideration at the detailed Building Regulations stage.

### Noise, Pollution and Housing

Should the application be approved the applicant to ensure compliance PPG 24 and follow the guidelines as set in 'Minimising Environmental Impacts from Building and Demolition Sites'.

The following hours are those recommended by Dacorum Borough Council when undertaking works that may generate noise from the development at nearby sensitive receptors.

- Monday – Saturday 0730 - 1830
- Sunday and Bank Holiday – No noisy working.

### Trees & Woodlands

There are a few self sown sycamore saplings at the south west end of the site, they are close to another building so have no long term future. There are no trees that should be a constraint

to development.

#### Contaminated Land Officer

The site is within the vicinity of potentially contaminative former land uses. Therefore there may be land contamination issues associated with the site. Accordingly a contamination condition is recommended.

#### Refuse Controller

No response.

#### Hertfordshire County Council: Highways

The Highway Authority does not wish to restrict the grant of permission subject to the following conditions relating to control of mu on the road, and the storage of materials away from the highway.

This application follows on from the approved planning permission for conversion (4/01502/10/FUL) on the 27th October 2010. However, in January (sic) 2010, there was a partial collapse of the building and under advice from the local authorities, the remaining structure was demolished.

Looking at this application and the submitted details, which is in essence to rebuild what was already there prior to the collapse, the highway authority considers that there are no new impacts that would affect the highway network that were not considered with as part of the 2010 application.

The applicant is proposing two off street parking spaces served off the existing simple vehicle cross over in Elm Grove. This accords with Dacorum Borough Councils Local Plan and their Car Parking Policy, Appendix 5, which is a maximum-based standard not a minimum requirement.

Dacorum Borough Council who are the parking authority for the Borough have classed the area as a Special Parking Area (SPA) and parking enforcement, which is decriminalized, is now enforced by a private contractor working on their behalf.

In conjunction with the above, the Borough Council have an 'accessibility zones' supplementary planning guidance document which further helps clarify the appropriate level of off street parking a site should provide.

It follows that the Local Plan and the 'zonal' approach to town centre locations, with good alternative and sustainable modes of transport like the frequent bus services and mainline train services, should encourage and promote a sense of reducing car ownership, which in turn leads to less on street parking demand.

The supplementary guide mentioned above classifies this site as being within zone 2. This equates to a car parking provision allowance of between 25% and 50% of maximum demand based standard of the Local Plan Policy. This site falls within this criteria but as mentioned above it is down to the LPA to determine the level of off street parking this site should provide. Taking into account the town centre location of this site, which is a sustainable it is reasonable to assume that there may not necessarily be an increase in car ownership due to the proposed rebuild.

This proposal to build a retail unit with residential flats is unlikely to result in a significant impact on the safety and operation of the adjacent highway. Consequently the HA does not consider that they could substantiate a highway objection to this proposal.

### Hertfordshire County Council: Archaeology

An archaeological condition is necessary for the following reasons:

1. The loss of the heritage asset of historic interest due to the collapse of the original structure.
2. The potential for heritage assets of archaeological interest (below ground) which are likely to be affected by redevelopment of the site.

### Hertfordshire Fire & Rescue Service

No response.

### Environment Agency

The EA has assessed this application and have identified flood risk as the only constraint at this site.

The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. It is recommended that the surface water management good practice advice is applied to ensure sustainable surface water management is achieved as part of the development.

### Thames Water

*Surface Water Drainage.* It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. It is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

*Sewerage.* No objection.

*Water Supply.* This is under the jurisdiction of Veolia Water Company.

### Three Valleys Water. Veolia Water Company

No detailed objections.

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

#### *Original Scheme*

3 objections from 4, 5 and 8 Elm Grove. The issues include focus upon the insufficient parking and the adverse effects upon Elm Grove.

#### *Revised Scheme*

Comments awaited.

### **Considerations**

#### Policy and Principle

The site is located within identified Berkhamsted Town Centre (DBLP Policies 9 and 39) and Berkhamsted Conservation Area (DBLP Policy 120). Within the Town Centre a mix of uses is encouraged. Therefore the proposed mixed use of a shop and residential is acceptable. The reintroduction of a shop will benefit this part of the town centre shopping area and provide new flats in an extremely sustainable location, reinforcing the approach to Application 4 01502/10.

#### Design/ Effect upon the Character and Appearance of the Conservation Area Policy Background: DBLP Policy 120

- Demolition

Under DBLP Policy 120 (Development in Conservation Areas) there is presumption against the demolition of any building that contributes to the character of a conservation area. Moreover consent to demolish will not be granted unless it can be proved that the building or structure to be demolished is incapable of satisfactory repair to ensure a continued and viable use. Also replacement development must satisfactorily contribute to the character of the conservation area.

- New Developments

These will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area. Each scheme will be expected to accord with a range of criteria:

- (a) respect established building lines, layouts and patterns. In particular, infilling proposals will be carefully controlled;
- (b) use materials and adopt design details which are traditional to the area and complement its character;
- (c) be of a scale and proportion which is sympathetic to the scale, form, height and overall character of the surrounding area; and
- (d) conform with any design guides for conservation areas prepared by the Council.

Also within conservation area planning permission may be refused if insufficient detail is provided in applications to judge the impact of the proposed development on the conservation area.

This predates PPS 5 and the National Policy Guidance, which however reinforce the importance of heritage issues.

#### Demolition of the Original Building, the Associated Implications and the 'Starting Point' for the Consideration of the Applications.

Following the building's initial partial collapse and the subsequent health and safety assessment the Council agreed to the building's demolition. Therefore there are extenuating reasons why the LPA is now dealing with a replacement for the original building. Thus it was proven that the building was incapable of satisfactory repair. In accordance with the specified expectations of DBLP Policy 120 the replacement development should satisfactorily contribute to the character Conservation Area with an emphasis upon preserving or enhancing its established character or appearance.

In this case the current gap left by the building's demolition is unsightly. However the removal of the building was according to the expert structural advice unavoidable for health and safety reasons. This is why the 'CAC' application to demolish no.195 is retrospective and the fundamental test in this case is whether the proposed replacement development will be an acceptable alternative to the original building and not the gap.

As clarified the submitted scheme is the outcome of extensive LPA/Applicant dialogue. Through this process the approach to the design has evolved, with the proposal representing probably 'Version 7'.



The approach to new development has been in the context of:

- The expectations of DBLP Policy 120,
- The scale and form of what was previously at the site and its wider heritage role given the associations with an eminent local historian and clothes shop,
- Planning Permission 4/01502/10 and viability,
- The site's important/ prominent location within Conservation Area,
- The site's physical conditions and its relationship with adjoining land and buildings, and
- The difficulties in reconciling current Building Regulations with accommodating a shop and three flats at the site with and all the necessary 'modern design requirements'. This is with an acknowledgement of the need to create as a sustainably constructed building as is technically feasible without compromising the visual quality of the design in relation to the High Street and the critical 'visual return' with Elm Grove.

It has not been not been technically or architecturally feasible or even desirable to reintroduce a precise replica of the previous building. The proposed design represents a pragmatic and visually inspiring approach to the High Street providing a tangible design solution.

In terms of the main High Street street scene the building will echo the previous building's overall physical presence in terms of the massing (with differing detail) but will be more assertive. The original building's 'return face' to Elm Grove was a dominating utilitarian virtually unbroken feature more reminiscent of a Victorian industrial/ commercial building with an absence of detailing. The proposal will be similarly dominating with increased stridence due to its span and extra projection into the High Street. However, the coordinated detailing within the flank wall creates visual interest breaking up the massing without being too fastidious.

The shopfront is fundamentally important to the appearance of the development and there has been recent debate between the Conservation Team and the agent regarding the detailed design. This is especially whether the shopfront is flush or incorporates a recessed doorway as before. On balance, it is concluded that there is no objection to the flush finish. This is with due regard to the LPA's recent approach to previously supporting a non recessed shopfront in a planning approval associated with the original building.

Significantly the Conservation Team also express concern regarding the rear of the building's the extremely significant massing/ height. The fundamental question in this respect is whether this element in isolation/on its own warrants a refusal of the whole scheme in terms of the impact upon the Conservation Area. This is given that **holistically** the scheme will positively contribute to the main part of the High Street's character and appearance through its front and side elevations. The rear elevation is the least important part of the development and a less physically and architecturally significant part of the Conservation Area. Moreover, the original rear elevation was in any case very utilitarian in form and is the 'design starting point'.

Although there are ongoing reservations regarding the design of the rear elevation given the importance of supporting new development in the prevailing economic climate and positive effect of the front and side elevations it would be inappropriate to resist the scheme due the design of the rear element. This is unless there is overriding undue harm when considered in association with the effect upon the residential amenity of the flat at no.193. The issue is further explored below with regard to the relationship with no.193.

#### Effect upon Residential Amenity

This is limited to the flat at no.193. There was a very poor physical relationship between the rear of no.195 and the adjoining flat associated with the adjoining opticians. This impact was

longstanding due to the massing of the somewhat brutal flank wall of no.195 and the resultant oppressive/ overbearing/ claustrophobic environment, so typical of robust Victorian construction. In supporting the previous pre-demolition scheme under Planning Permission 4/01502/10 there was an acceptance of this physical relationship as an historic 'starting point' in agreeing to a higher wall close to the flat at no.193.

The proposal will replicate and noticeably exaggerate the above conditions, which is unavoidable if a new building accommodating three flats is to be constructed at the site. This will create a poor residential environment. However, if approved there is considerable scope for the adjoining land at no.193 to be brought forward in the future. In this respect the proposal will not apparently prejudice the redevelopment to the rear of no.193. It is just disappointing that a comprehensive approach was not feasible at this time, obviating the worst effects of the development upon the flat at no.193.

Given these background circumstances and despite the resultant harm there is a case to support the proposed relationship between the development and no.193.

#### Internal Layout/ Amenity Space /Living Environment \_

There are no apparent identified fire access issues, the flats are self contained, of adequate size and feature an acceptable layout. Noise insulation can be addressed through Building Regulations.

There is no amenity space. However in a town centre location this often the case. Due to the site's location being close to a range of amenities the lack of amenity space should not be an overriding prerequisite. The flats can be provided with washing machines facilities to compensate for the lack of an outdoor drying area. A launderette is within walking distance of the site and on High Street bus route. The refuse facility is conveniently located for the flats and refurbished shop. No air quality issues have been identified.

#### Parking/ Access/ Sustainable Location Implications \_

##### *Parking\_*

HCC Highways previously comprehensively assessed the access, highway safety and parking implications under Planning Application 4/01502/10. This was with due regard to the availability of two parking spaces , the strength of objections from local residents, the Planning Inspectorate's approach to parking relating to new housing close to the town centre, the extremely sustainable Town Centre location and the associated 'relaxation' of parking requirements through the application of the Council's 'Accessibility Zones'.

Given the sustainable location and the level of available parking the flats are quite likely to be attractive to non car owners, relying upon the excellent local facilities and transport links. The current circumstances are materially similar to the case of 4/01502/10 and there is again accordingly a case to support the proposal with this limited level of curtilage parking.

##### *Fire Access*

A fire tender will be able park close to the site. The Building Control Unit has raise no objections to the internal layout.

##### *Inclusive Access/Access for Persons with Disabilities*

The shop will provide wheelchair access with disabled toilet facilities.

Access to the flats will be via a staircase which will comply with Part M of the Building Regulations. One parking space can be used as a disabled parking space without restricting ingress and egress through the right of way to the adjoining flat at No.193.

### Sustainable Construction

The development has focused achieving a high quality sustainable building.

### Security/ Crime Prevention

There are no obvious objections. There will be some natural surveillance of the parking area from the building. The installation of exterior lighting and CCTV at the flats entrance and associated car park would improve security. The lighting would require a subtle/sensitive approach in this location.

### Biodiversity

There was no information available to the LPA that protected species were endangered when the building was demolished. In accordance with the Department's latest practice, with due weight to PPS 9, a condition is recommended to encourage urban wildlife through the installation of bat and bird boxes

### Archaeological Implications

The imposition of an archaeological condition has been recommended by the County Archaeologist due to the loss of the heritage asset of historic interest due to the collapse of the original structure and the potential for heritage assets to be affected by the redevelopment. This recommendation is agreed and a condition has been suggested.

### Drainage

There are no objections.

### Exterior Lighting

The comprehensive approach to exterior lighting is recommended in this case due to the site's importance within the Conservation Area.

### Planning Obligation

For any development the current Supplementary Planning Guidance for Planning Obligations normally require a range of financial contributions. Based upon the extenuating circumstances which unfortunately necessitated the demolition of the original building, the issue viability and that it will replace a recently approved development of equivalent form ( in terms one shop and 3 flats but not size without any contributions), there is a case to not insist upon a requirement for financial contributions.

### Air Safeguarding Implications

There are no adverse implications.

### Environmental Impact Assessment

This is not necessary.

### **Conclusions**

There is currently an unsightly gap within an important part of the Conservation Area. This is due to extenuating circumstances. Redevelopment should not be delayed.

The proposal will replace the lost building and will help to reinvigorate this important corner site, with a fresh retail opportunity and three much needed flats. The building will in terms of the front and side elevations enhance the character and appearance of the Conservation Area when compared to the original building.

This has to be weighed against the ongoing concern that the Conservation Team continues to express regarding the very significant massing of the rear of the proposed building within a less sensitive and architecturally significant part of the Conservation Area. The Conservation Team's concerns are reinforced by Berkhamsted Town Council.

There has to be degree of cold realism and pragmatism exercised in this case. This is given the prevailing very difficult economic conditions. There should be an overriding emphasis upon maintaining the momentum of the local economy and fundamentally the need to adopt a holistic approach in evaluating this development. The major questionable element of the design is the rear elevation. A refusal due to this element and likely resultant appeal and undue delay could significantly stall the opportunity to 'kick start' the redevelopment of this very key site which would then represent a missed opportunity.

The balance is therefore clearly to support the development with a 21<sup>st</sup> C legacy. If the development proceeds it will be in the context that even these harsh economic times the opportunity was seized to redevelop a very difficult site with high quality design for the key front and side elevations, breathing new life into a site associated with a revered local historian. In this respect it will represent another built element to Berkhamsted's rich High Street history within an distinguished by its variety of building styles, shapes and sizes rather than is monolithic form, respecting the past and providing a modern legacy.

**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 No development shall take place until samples of the materials proposed to be used on the external walls, roofs and the parking area of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: In the interests of the visual amenities of the Conservation Area.

- 3 All the windows and doors shall be of timber construction and at all times painted white or an agreed alternative colour in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: In the interests of the visual amenities of the Conservation Area.

- 4 All gutters and pipework shall be of metal and painted black at all times.**

Reason: In the interests of the visual amenities of the Conservation Area.

- 5 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking shown on Drawing No. 1765/25A shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

- 6 **No development shall 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, and**
6. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

**No development shall take place other than in accordance with the approved Written Scheme of Investigation and 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 approved Written Scheme of Investigation provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To safeguard the site archaeology.

- 7 **Any exterior lighting installed at the site shall be fully in accordance with details submitted to and approved in writing by the local planning authority and once installed shall be thereafter retained fully in accordance with the approved details.**

Reason: In the interests of the visual amenities of the Conservation Area.

- 8 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

1765/01, 1765/25A, 1765/26E, 1765/27E, 1765/28, 1765/29, CG1, CG2 , CG3 , 01

and 07.

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

NOTE 1:

This decision to grant planning permission has been taken for the following reason, having regard to the policies and proposals in the development plan set out below, national planning policy/guidance, regional policy, to all other material planning considerations, including relevant supplementary planning guidance, the imposition of conditions and the expert advice of the responding technical consultees and the response to neighbour notification/publicity and consultation with the Town Council.

The site is located within the Berkhamsted Conservation Area, the designated Town Centre an Area of Archaeological Significance.

The redevelopment will reinvigorate the site and enhance the character and appearance of this part of Berkhamsted Conservation Area. The reintroduction of a replacement retail unit will enliven the established shopping frontage. The accommodation of 3 additional flats in a very sustainable location will reinforce the LPA's approach to the previous application at the site involving the residential flat conversion of former building. As whole the design will positively contribute to the existing character and appearance of the High Street. There will therefore resultant local economic, housing and visual benefits. In the holistic approach to the development these positive outcomes outweigh the concerns regarding the massing of the rear of the building. In this respect the redevelopment accords with Policies 11 (Quality of Development), 14 (Housing Strategy) 38 ( The Main Shopping Hierarchy) , 39 ( Uses in Town Centres) , 41 (New Shopping Development in Town Centres) and 120 ( Development in Conservation Areas) of the Dacorum Borough Local Plan.

There are no fundamental detailed objections in terms of traffic, highway safety, parking general/inclusive/disabled/fire access, sustainable construction, noise, air quality drainage, contamination, archaeological, ecological/biodiversity and security/crime prevention implications. An Environmental Impact Assessment has not been necessary.

NOTE 2:

The following policies of the development plan are relevant to this decision:

East of England Plan .

Policies SS1, SS2 SS4, SS6, H1, T1, T2, T3, T4, ENV 3, ENV 6 and ENV 7

Dacorum Borough Local Plan

Policies 1, 2, 3, 9, 11,13, 14, 15, 16, 17, 18, 38, 39, 40, 41, 42, 49, 51, 54, 58, 61, 63, 113, 118,119, 120, 122, 123 and 124

Appendices 1, 3, 5 and 8

Pre-Submission Core Strategy (October 2011)

Policies CS1, CS4, CS9, CS10, CS11, CS12, CS13 CS16, CS17, CS27 and CS29

Supplementary Planning Guidance

Character Areas

Environmental Guidelines

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Accessibility Zones for the Application of Parking Standards