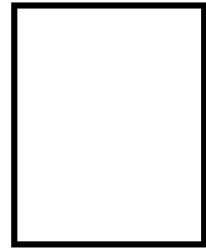
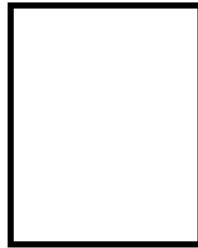
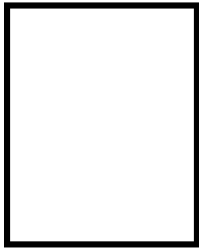
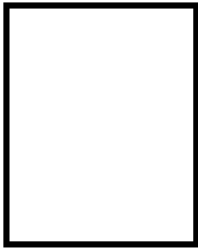


**DEVELOPMENT CONTROL COMMITTEE AGENDA**  
**THURSDAY 20 DECEMBER 2012 AT 7.00 PM**  
**COUNCIL CHAMBER, CIVIC CENTRE, HEMEL HEMPSTEAD**



The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Adshead  
 Clark  
 Conway  
 Guest  
 R Hollinghurst  
 Lawson

Lloyd (Chairman)  
 McKay  
 Reay(Vice-Chairman)  
 G Sutton  
 Whitman  
 C Wyatt-Lowe

**Substitute Members**

Councillors Mrs Bassadone, G Chapman, Mrs Green, Hearn, Harris, N Hollinghurst, Peter and Mrs Rance.

For further information please contact: Pauline Bowles, Members Support Officer on Tel: 01442 228221, E-mail [Pauline.bowles@dacorum.gov.uk](mailto:Pauline.bowles@dacorum.gov.uk) or visit our web-site [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

**PART I**

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**PART 2**

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## 1. MINUTES

The minutes of the meeting held on 29 November 2012 will be circulated separately.

## 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

## 3. DECLARATIONS OF INTEREST

To receive members declarations of interest; to be announced at the beginning of the relevant planning application.

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw to the public seating area.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure. Disclosable pecuniary interests, personal interests and prejudicial interest are defined in Part 2 of the Members' Code of Conduct.

It is requested that Members complete the pink interest sheet which can be found at the end of this agenda and then hand this to the Committee Clerk at the meeting.

## 4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation.

Time per speaker	Total Time Available	How to let us know	When we need to know by
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	Noon the day of the meeting

You need to inform the council in advance if you wish to speak by contacting Pauline Bowles Members Support Officer Tel: 01442 228221 or by email: [Pauline.bowles@dacorum.gov.uk](mailto:Pauline.bowles@dacorum.gov.uk)

There are limits on how much of each meeting can be taken up with people having their say and how long each person can speak for. The permitted times are specified in the table above and are allocated for each of the following on a 'first come, first served basis':

- Town/Parish Council and Neighbourhood Associations;
- Objectors to an application;
- Supporters of the application.

Every person must, when invited to do so, address their statement or question to the Chairman of the Committee.

Every person must after making a statement or asking a question take their seat to listen to the

reply or if they wish join the public for the rest of the meeting or leave the meeting.

The questioner may not ask the same or a similar question within a six month period except for the following circumstances:

- (a) deferred planning applications which have foregone a significant or material change since originally being considered
- (b) resubmitted planning applications which have foregone a significant or material change
- (c) any issues which are resubmitted to Committee in view of further facts or information to be considered.

At a meeting of the Development Control Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

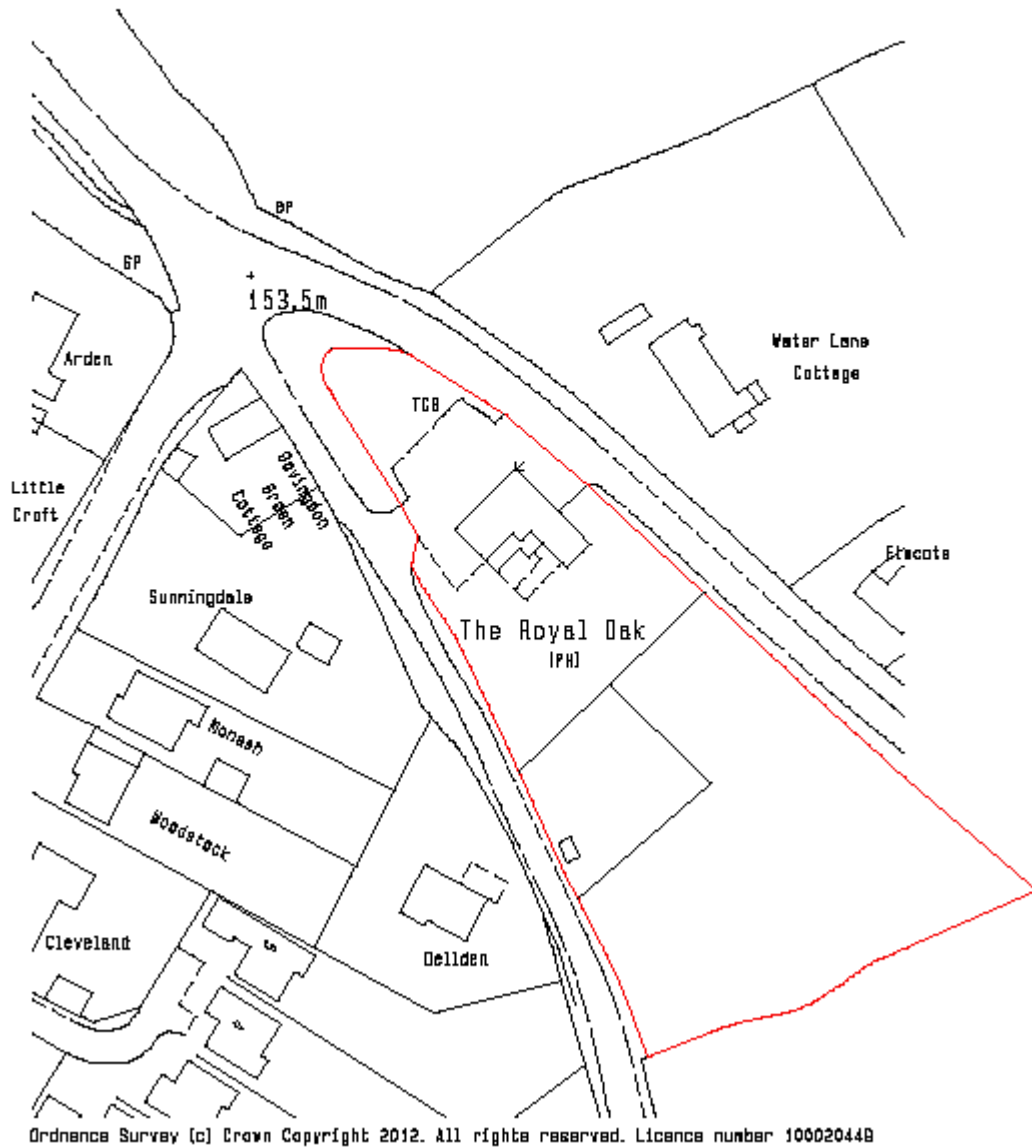
## INDEX TO PLANNING APPLICATIONS

Item Number	Application No.	Description and Address	Pg No.
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5.3	4/01693/12/FHA	CONSTRUCTION OF THREE OAK FRAMED CAR BAYS AND LOG STORE WITH SUNDRY COUNTYARD IMPROVEMENTS. RELOCATE DOOR TO EXISTING GARAGE AND CLADDING IN OAK. REPLACE EXISTING CONSERVATORY GLASS ROOF WITH PLAIN TILES. LONG MEADOW, FLAUNDEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PA <b>Grid Reference: TL 02780 03217</b>	32
5.4	4/01976/12/LBC	TAKE UP ALL CARPETING AND BOARDING, TAKE UP FLOOR BOARDS, INSPECTION OF EXISTING JOISTS AND MAKE REMEDIAL REPAIRS, INSTALL SISTERS JOISTS NEXT TO EXISTING JOISTS AND BOLT TOGETHER, RE-FIX FLOOR BOARDS AND LAY NEW BOARDING AND CARPETS THE COUNTING HOUSE, 9 HIGH STREET, TRING, HP235TE <b>Grid Reference: SP 92521 11431</b>	38
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5.7	4/02118/12/FUL	COMMUNICATIONS TOWER FOR CCTV SYSTEM. CUPID GREEN DEPOT, REDBOURN ROAD, HEMEL HEMPSTEAD, HP2 <b>Grid Reference: TL 07188 09156</b>	71

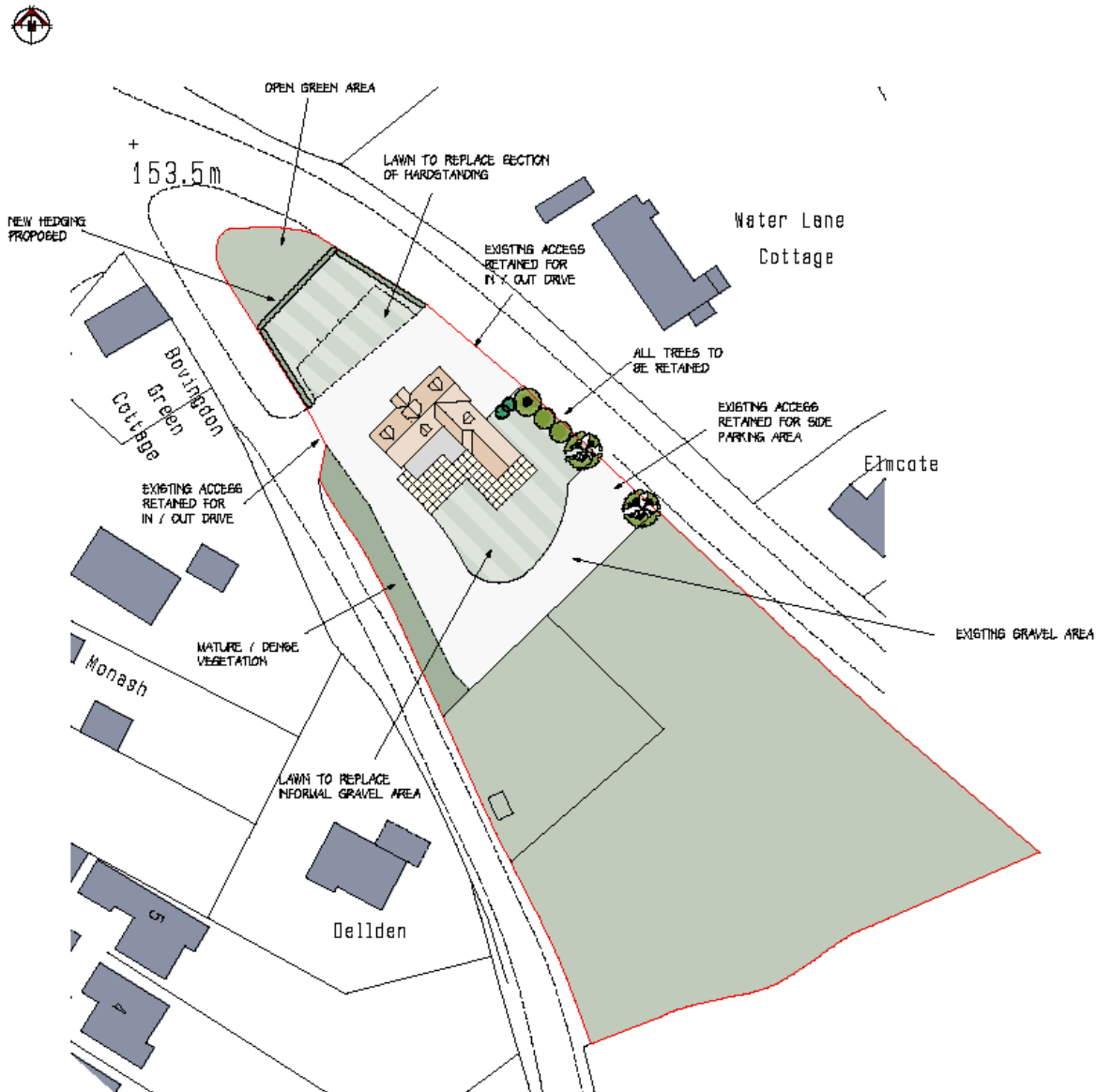
**ITEM NO. 5.1**

**4/01817/12/FUL - CHANGE OF USE OF VACANT PUBLIC HOUSE (USE CLASS A4) TO DWELLING HOUSE (USE CLASS C3)**

**ROYAL OAK, BOVINGDON GREEN, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LZ**



**4/01817/12/FUL - CHANGE OF USE OF VACANT PUBLIC HOUSE (USE CLASS A4) TO DWELLING HOUSE (USE CLASS C3)  
ROYAL OAK, BOVINGDON GREEN, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LZ**



**5.1 4/01817/12/FUL - CHANGE OF USE OF VACANT PUBLIC HOUSE (USE CLASS A4) TO DWELLING HOUSE (USE CLASS C3).  
ROYAL OAK, BOVINGDON GREEN, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LZ.  
APPLICANT: Mr & Mrs Power.**

[Case Officer - Jackie Ambrose]

[Grid Ref - TL 01383 02606]

### **Summary**

The application is recommended for approval.

The Royal Oak Public House is in a rural location on Bovingdon Green and was closed down by its new owner after the sudden departure of the tenants. He considers that this is indicative of the pub being economically unviable, backed up by evidence of an unsuccessful marketing exercise of the premises for a variety of commercial purposes. Thus, this application has been submitted for a change of use from a public house (A4) to a private dwelling (C3). This proposal would mean a loss of a seemingly popular community-based pub against the wishes of many local residents and the parish council. The agents acting on behalf of the owners, and a group of local residents forming an Action Group, have separately provided considerable information regarding this site. The NPPF supports the retention of community facilities (including public houses) where otherwise it would reduce the community's ability to meet its day-to-day needs. Policy 68 of the DBLP would similarly not grant a change of use if it would result in the loss of viable social and community facilities. However, based on the information provided, there is evidence to suggest that this pub is not economically viable and no interest has been generated through its marketing exercise. Furthermore, as there are a number of pubs still operating within a 2 mile radius this demonstrates that it is not in an isolated position and thus is unlikely to perform a vital day-to-day link for the local community.

As background information it should be noted that recent legislation regarding the 'Community Right to Bid' highlights the importance of keeping buildings and their uses where they are considered to be community assets.

### Overview

This application has generated a significant amount of public interest, particularly from local residents. There have been a large number of objections to this proposed change of use although balanced by a number of supporters. The delay in bringing this application to committee was due to information provided by the planning consultants, acting on behalf of the applicant/pub owner, then being countered by expert opinions produced via local residents, resulting in rebuttals and additional information being submitted by both parties.

The arguments from both parties have centred on its marketing and the economic viability of this public house: whereby the history of its numerous tenancies and the plight of the most recent tenants during this current economic climate have been set against the alleged management/sale of the premises and the motives of its new owner.

In planning terms, the existing social infrastructure (such as this public house) will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer economically viable. Thus, the economic viability of this pub and its marketing campaign are fundamental to its policy consideration.

As background information to the deliberations over the role of this pub within the local community, it is appropriate to make reference to the recent legislation, as part of the Localism Act, which allows communities to get involved in the 'Community Right to Bid' for deemed community assets. Although this does not form part of the decision-making process of this application, it is important to raise awareness of this new legislation.



## **Site Description**

The site lies in the Green Belt, within the countryside location of Bovingdon Green about 1 mile south-east of the designated village of Bovingdon. It occupies a very prominent position at the junction of three roads facing towards the Green. There are a scattering of detached dwellings along the lanes flanking the site but with a greater concentration of dwellings, including a range of both older and newer residential cul-de-sacs, along Long Lane. Consequently, although it takes on the appearance of a rural pub there is a concentration of residential dwellings nearby.

The site relates to the Royal Oak Public House that has been operating as a pub since the mid 1800's. It is presented as a chalet-style detached two storey building with rear extension that was built in the late 1950's as a replacement for the original pub building. It stands alone, flanked by two rural lanes meeting at its front apex, thus forming a triangular shaped plot. The frontage area is of mown grass with a large area of hard surfacing immediately in front of the pub building for parking and turning. This sweeps round to the rear of the pub serving deliveries and more parking. The two main vehicular points are along its eastern side. Apart from some shrubbery the frontage remains completely open and the grass is protected by a low post and rail fence. Beyond the large hard surfaced area to the rear is a gate into a large square pub garden laid out with benches. It is fully grassed and delineated by a post and rail fence. Beyond this, and still apparently within the curtilage of the site, is a small field of rough pasture with a dilapidated, former small wooden stable, in one corner. This forms the whole application site as delineated by the red outline.

Internally, the building provides one large, open pub lounge across the width of the building with a bar. There is a large kitchen to the rear and other store rooms and a cellar. At first floor there are three bedrooms and a bathroom. From the outside it is presented as an attractive building but internally is in need of upgrading.

## **Proposal**

It is apparent that this pub, although operating as such for many decades, has experienced regular changes in licensees, over the years.

The applicants bought its freehold in October 2011 as an investment to aid their retirement, but with no involvement in the day-to-day running of the premises or its finances. It was bought with the tenants in place and a 12 year lease. The accompanying planning submission states that the new owner only subsequently found out that the tenants were experiencing financial difficulties. As a consequence of the financial situation, where an amicable solution could not be reached between the new owners and tenants, the tenants suddenly departed and the owner was forced to immediately shut the premises in mid-April this year. It has remained closed since then. The owner approached the local planning authority seeking guidance for its change of use to a private dwelling as he considered that it was no longer economically viable to maintain it as a public house. He was advised to advertise it for commercial purposes prior to making any formal planning application.

This planning application has subsequently been submitted for a change of use of the public house (A4 use) to a single private residential dwelling (C3 use).

The plans show the following changes to be made:

To increase the lawn area to the front and reduce the amount of hardstanding, with new hedging to separate off this area from the open grassed area to the fore, adjoining the roads. Similarly, to replace much of the rear hard surfacing with grass (and patio area), whilst retaining all three points of vehicular access linked by gravelled area surrounding the new rear lawn. There are no details given to the former rear pub garden or paddock area.

Internally, the public bar area would be portioned-off to provide a lounge and games/family

room with part of the original bar retained as a feature. The remaining ground floor would provide a kitchen/dining room, utility room, study/guest bedroom and bathroom. The first floor would comprise four bedrooms and a bathroom. The only external alterations relate to inserting two large bi-fold doors to the existing rear extension plus replacement doors and windows.

The application was accompanied by the following documents:

- Design and Access Statement
- Marketing particulars (by Brazier Freeth) and letter to owner
- Sustainability Statement
- A unilateral agreement as required by the council's adopted SPD for infrastructure contributions.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of the parish council.

### **Planning History**

None

### **Policies**

#### National Policy Guidance

NPPF  
Circular 11/95

#### East of England Plan

Policies SS1, ENV6

#### Dacorum Borough Local Plan

Policies 1, 4, 11, 13, 68, 94, 110  
Appendices 5, 7

#### Dacorum Pre-Submission Core Strategy

Policies CS5, CS23

#### Supplementary Planning Guidance

Environmental Guidelines

### **Representations**

#### Bovingdon Parish Council

Object on the grounds of:

1. That the Royal Oak pub is a social and community facility within the village and particularly for those living on Bovingdon Green and the surrounding area;
2. That it is the responsibility of the applicant to prove that the Royal Oak is not a viable

option as a pub and provide such audited accounts information as appropriate to support this;

3. That the applicant has not sufficiently marketed the Royal Oak as a going concern.

### Conservation and Design

The reduction of hard surfacing to the front is welcomed.

### Hertfordshire Highways

The above application is for the conversion of the former Royal Oak PH (A4) to a residential dwelling (C3). No change is proposed to the pedestrian or vehicular access arrangements. Although the hard surfacing with the site will be reduced whilst sufficient parking space will be retained to serve the dwelling.

The current access is an 'in/ out' arrangement which is shown on the submitted plan. To continue to use this access arrangement the applicant must maintain the current visibility splays either side of these accesses.

The design and access statement section 5.16 quite rightly makes reference to an overall decrease in traffic to and from this site if the planned change of use is allowed. It makes sense that this is welcomed by the highway authority and not disputed.

The highway authority considers that the proposed change of use to a single dwelling of the former Royal Oak PH will result in a significant decrease in vehicle movements from this site. This development is therefore unlikely to result in a significant impact on the safety and operation of the adjacent highway consequently; the highway authority does not consider it could substantiate a highway objection to this proposal.

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

9 letters of support from nearby residents stating:

- No objection to change the use of the pub to a private dwelling
- Have lived next to the pub for 35 years and seen it change hands about 15 times
- Constant change in ownership meant no sense of belonging or familiarity
- Never viable as it did not get local support
- Last licensee stated they could not exist on conventional pub activities alone and needed to widen type of activities offered
- A well looked after single dwelling would visually enhance The Green
- Viability failure exacerbated by increasing tax on alcohol and smoking ban
- It would only ever be viable by introducing noisy outdoor and indoor additional activities causing noise and nuisance to nearby residents (this has happened in the past)
- Sold by owning company last year as it was no longer economically viable as a pub/restaurant
- To close this pub would help boost trade at other pubs in area and ensure they remain viable such as The Bell
- It would be futile to allow this pub to be taken over and run by amateurs
- Poorly maintained
- As owner runs 3 other pubs, he must therefore know what he is talking about, more so than local residents
- question the regularity of use by all those objecting
- suggest that locals and parish fund this together as a community pub and let the tenants back to run it on a peppercorn rent

Petition with 102 signatures objecting to the change of use and loss of this pub that provided a valuable community base.

88 individual letters of objection from local residents and elsewhere stating:

#### Loss of community-based pub

- The pub played an important part of the local community in Bovingdon Green
- It represented a valued meeting place, taking on the role of a typical rural pub
- Provided a meeting point for cyclists, walkers, horse riders and other local groups
- It filled a niche that none of the other pubs in Bovingdon do
- It was frequently busy, suggesting a demand for this business
- Bovingdon Green now has a official 'Green' status but no local pub
- There should be support for local businesses like a pub – as a 'Free House' this did support local businesses
- The tenants had built up a community-focused pub and were much respected
- The tenants provided good food and good beer
- The tenants brought the community together and should not have been ousted
- There is no evidence of need for another private dwelling.
- Would reduce the opportunity for local employment
- Has been an integral part of village life for so many years
- It served all generations which created a good local mix
- Tenants hosted several social events through the year which brought the community together
- The village pubs do not have the same congenial atmosphere or outside seating areas
- Such a community facility is more important with an ageing population
- This will be a focal part of the community lost forever
- The pub is well positioned for passing motorists, walkers, cricketers as well as locals
- The private fencing off of this site will spoil the look of and the openness of the green

#### Unfair action of new owner

- The new owner should not be allowed to personally profit at the expense of the local community
- There was a clear intention by the new owner to remove the tenants and sell it as a dwelling
- The new owner had increased the rent to beyond what is commercially viable
- The new owner has made no effort to try to re-open the pub
- The owner should not be allowed to get away with his plans, which would set a dangerous precedent for other pub owners to follow
- The advertising has been limited to a subscription-only commercial property information platform and would not be aimed at potential pub tenants: it has been advertised as a 15 year lease at a rental of £45,000 pa which is 50% higher than what the previous tenants were paying.
- An advertisement sign has only been put up at the pub in the last 2 weeks, until then there was no advert
- This pub could still be run on sensible and commercial terms as long as the rental was realistic in the current financial climate
- The number of pubs are diminishing and thus even more important to retain those that are left

37 names attached to a letter from the 'Action Group' formed for the sole purpose of saving The Royal Oak Public House (Bovingdon Green) as a local amenity and objecting on the following grounds:

"We believe that the application made by Mr Power for change of use to a residential dwelling represents an opportunistic attempt to make a substantial short term profit at the expense of

the local community. For this reason we believe that the Development Control Committee should refuse the application. We have taken advice from an industry expert on Public House valuations, Mr Morgan of Morgan & Clarke, Chartered Surveyors. (Details of their financial assessment are provided within the Considerations Section below.)

- The Royal Oak is indeed an important local amenity.
- Previous business records indicate that it was economically viable in November 2011
- The owner has failed to use the proper channels to advertise the business
- The owner has marketed the lease at £45,000 which is 50% higher than the rent charged to the previous freeholder.
- There have been only 8 tenants since 1976, which is far less than purported.
- The NPPF states that established facilities like community pubs should be retained for the benefit of the community.
- Policy 68 upholds the retention of this pub
- No evidence that the owner has made any effort to run this pub as a going concern.
- The owner also owns The Cock pub in Sarratt and in 1993 attempted to get change of use and build houses on the site. This was refused. DBC should seek to list the Royal Oak as a Community Asset ensuring that it is safe from property speculators and continues as a pub strongly supported by the local community

## **Considerations**

### Policy and Principle

This application has been submitted as the owner believes these premises are not capable of operating as an economically viable public house.

Central government advice in the NPPF gives advice on the retention of community facilities which include local shops, places of worship, sports venues, meeting places and public houses. In Para 70 it states that councils should guard against the unnecessary loss of these valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Policy 68 of the Dacorum Borough Local Plan (DBLP) deals with the retention of community uses which includes public houses. It states that planning permission will not be granted for development which would result in the loss of viable and social and community facilities, unless satisfactory alternative provision is made.

This is re-iterated in the Emerging Core Strategy Policy CS23 which states that "Existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an alternative social or community service or facility is preferred."

This building lies in the Green Belt, wherein any change of use also has to be considered under Policy 4 of the DBLP (and CS5) and which states that the re-use of an existing building will be permitted provided that it does not have greater impact on the Green Belt than the present use does and that it complies with criteria in Policy 110.

Furthermore, Policy 110 deals with buildings in the countryside that are no longer in their original use and states that permission will not be granted for residential reuse unless every reasonable effort has been made to secure business, recreation or tourism-related reuse, or that residential conversion is subordinate part of a scheme for other reuse.

In Para 28 of the NPPF the Government seeks to support economic growth in rural areas in order to create jobs and prosperity and thus supports the reuse of buildings in the Green Belt

It is therefore necessary to demonstrate, through the submission of marketing details, sufficient proof that every effort has been made to sell or rent the premises in their current use or other forms of business, tourism or recreation.

#### Original Supporting Statement submitted with application

The statement considers that the premises as a public house are no longer viable, having provided satisfactory evidence to prove that this facility is no longer viable. They cite the following grounds for their conclusion:

- Competition from the 11 other pubs in a 2 mile radius
- Cost of alcohol compared to supermarket prices
- Running costs of the pub

Following a pre-application, the owners marketed the pub for a continuous 2 month period via Brazier Freeth and which apparently is still on-going. The sales particulars emphasised that a range of commercial enterprises could be considered: A4 (drinking establishment), A3 (Restaurant), A2 (Financial and Professional Services) and A1 (Retail) and possibly without the need for planning permission and B1 (Offices – subject to planning permission).

These particulars were on the Brazier Freeth website; the 'focusnet' website; and mailed to all those on the Brazier Freeth mailing list.

The concluding report from Brazier Freeth was that the response was poor with only one genuine offer (for a car wash) that was then withdrawn. There has been no further interest in the premises to date and since 6<sup>th</sup> July.

The statement draws the conclusion that the pub has not proved to be financially viable for a number of years and this is partly demonstrated by the poor condition it was in when it closed.

The statement further suggests that as the property has now been vacant for a few months that it cannot reasonably be considered that the loss of this public house would result in the loss of a valuable social or community facility. Furthermore, the community is still able to meet its day-to-day needs and there has been no interest shown from any parties wishing to use the premises for other commercial or community uses.

Both parties (agents and local residents) have since submitted further detailed information regarding the previous and potential economic viability of the pub and its marketing exercise. This information is too lengthy and detailed to replicate in this report but has been analysed and the following points are attributed to each party:

#### Information from Agents:

When the now owner purchased the pub from the administrators there was no set of accounts or trading information available nor were the tenants obliged to provide account details. Nevertheless the £30,000 annual rent would secure the new owner a sufficient financial return over the remaining lease of 12 years and on that basis he bought the freehold in October 2011. It became apparent that the tenants had financial arrears and shortly afterwards sought to sell their lease, but were unable to provide accounts /documentation to prove profitability of the pub. A survey of the pub identified remedial works required regarding the kitchen and boiler which would be the financial responsibility of the tenant (estimated at £50,000). Copies of letters have been supplied proving the tenants to be in financial difficulty and were then unsuccessful in selling their lease. The situation between the freeholder and tenants became untenable resulting in the tenants leaving overnight and the owner forced to immediately close the pub in April this year. No trading information or audited accounts were ever provided by the tenants.

The owner considers these facts to be sufficient to demonstrate that the pub was not

economically viable.

The marketing exercise has demonstrated that there is no interest from anyone wanting to take on the new lease either as a pub or for any type of community use.

In terms of patronage, the pub was not regularly full and a lack of space meant that there could be no separate dining facility which boosts trade and income. However, due to the pub's limited size it does not lend itself to being a modern successful pub operation and its position in the Green Belt would preclude the ability to extend the premises for a separate restaurant area (and is also constrained by the land and the cost).

With no-one willing to take on the lease and if there is no change of use then it will fall into disrepair and be liable to squatting by travellers.

It was marketed by someone who has in-depth knowledge of the site, the local area and the market and marketed it to attract wider interest.

Mr Morgan (on behalf of local residents) has no information to suggest that the pub is viable, referring to the annual rent of £30,000 suggesting that this alone renders the public house as being viable.

The tenants expressed in writing that the pub was not proving to be viable and they could not afford to repair or replace the boiler or improve. If the pub were proving to be viable the tenants would not have forfeited their lease.

The cost of the rent cannot be ignored whether the pub is leased or owner occupied – because in the case of owner occupation the owners are simply foregoing the cost – that does not mean that it is viable.

If planning permission is not granted for a change of use, the pub will not re-open as the owners do not have the capital to invest in excess of £50,000 into the public house.

The Government encourages the re-use of vacant buildings for residential purposes. A refusal to grant planning permission will lead to more problems for this site and will not achieve the aims of the local residents in returning the site to a public house.

The number of letters of objection has been achieved through an active campaign against the proposal.

The owner is dismayed at how the difficult relationship with their tenants has been portrayed.

The freehold was bought as a long-term investment with a 12 year lease still to run and the owners have no interest running a pub themselves.

The following pubs are located approximately within a 2 mile radius of the application site:

- The Bull - Bovingdon
- The Bell - Bovingdon
- The Halfway House - Bovingdon
- The Boot – Chipperfield
- The Royal Oak - Chipperfield
- The Swan – Ley Hill
- The Crown – Ley Hill
- The Plough – Belsize
- The Bricklayers Arms – Flaunden
- The Green Dragon - Flaunden
- The White Hart – Whelpley Hill

### Information from the local residents' Action Group

Based on marketing particulars of the premises analysed by an independent Valuer specialising in industry and leisure industry, the rent of £30,000 pa set by Punch Taverns would provide a viable business. The issue of viability would also be addressed if the premises were owner-occupied without a leaseholder, increasing the occupier's remuneration.

In terms of marketing it appears that no attempt was made to market it as a going concern, with these particulars not containing information concerning either the past business or the future business potential. No evidence that the premises were marketed in the established trade press, such as the Publican's Morning advertiser, Caterer & Hotel or restaurant magazine. Nor has there been any local newspaper advertising. From this it is concluded that it was not adequately or appropriately marketed.

It is their considered opinion that there would be a vibrant and strong potential market for the property if offered either as an outright freehold interest or leasehold supply free at a proper and sensible open market rental.

The tenants apparently were never asked for any financial information by the new owner when bidding for the freehold.

The tenants apparently said the survey was requested by the owner, not themselves.

The dilapidations survey showed works would cost circa £20,000.

Cash flow should not be muddled with profitability, whereby pubs are seasonal and most derive their profit during summer months. Thus winter negative cash flow does not indicate that it is not viable over a whole 12 month period. The situation that arose, whereby the tenants left in April, prevented them demonstrating any summer profit to the new owner who had bought the freehold the previous October.

The tenants apparently made a bid for the freehold of the pub themselves. Although not successful this gives an indication to their belief that the pub could be viable.

### Independent information on supporting local pubs from two websites

1."The 'Spirit Company' is a spin off from Punch Taverns and is doing up its managed pubs. Results from these refurbishments have been very promising, with sales up 15% and a return on money spent of more than 25%. The 500 leased pubs are less of a success story. These are still loaded up with debt and face tough trading. But the firm should be able to turn things around here too. It's removed the strain on lots of its landlords by cutting rents. This has hit Spirit's profits in the short term, but gives landlords scope to invest and grow again."

2. CAMRA (the Campaign for Real Ale) is acutely aware of the demise of rural pubs and their website provides information to help assess the economic viability of a pub. This looks at assessing the trade potential through the following aspects: Population Density, Visitor potential, Competition, Flexibility of the site, Parking, Public transport and Multiple use. It then raises a series of questions on viability and marketing.

These are valid questions and it is considered that within the context of this application the questions relating to its marketing exercise have not been as broad and comprehensive as they may have been and the 50% increase in yearly rental has not been as entirely justified. Therefore whilst the evidence regarding the last tenants indicates the business to be no longer economically viable for this pub and in this location, nevertheless, there does remain some concern over the above matters.



### Conclusions drawn from all evidence provided

The two parties have now had the opportunity to provide their sides of this argument based principally on whether or not the pub is economically viable.

From all the evidence provided above it is concluded that the tenants had been experiencing some financial and other difficulties which, despite their best efforts, they were unable to resolve. There may have been a lack of resources and sound management which led to the closure whilst the continuing economic climate would have exacerbated the situation. Furthermore a more pro-active approach from a new owner in running the pub might again have eased the situation.

However, circumstances prevailed that resulted in the difficult financial situation not being resolved and the closure of the pub.

It is recognised that a sum of possibly up to £50,000 would need to be spent on refurbishing the establishment, although this would be required whether it remains as a pub or is converted into a single dwelling.

There is also merit in the argument that to expand the most lucrative part of a pub is through its restaurant business and only achievable through extending the premises, but which would be in principle contrary to Policy 94 due to its Green Belt position.

In terms of the marketing exercise, despite the recent 'for sale' board being placed on site, it is considered that the marketing exercise has not been as broadly encompassing as it could have been.

Furthermore, the lack of interest could also be attributed to the £45,000 yearly lease which is indeed 50% higher than what was previously charged.

Under Policy 68 the loss of this community facility will only be permitted if it is proven to be economically unviable. Based on all the information provided, the evidenced points towards this being the case. There is not sufficient information provided that is contrary to the agent's submissions in order to counter this argument.

### Other public houses

In terms of other pubs in the vicinity, it is acknowledged that there are indeed quite a few either within the village of Bovingdon, Chipperfield and further away. It is recognised that this pub is set within close range of a significant number of dwellings as well as within easy striking distance of Bovingdon itself. It is also acknowledged, as highlighted by many local residents, both its proximity to footpaths and its rear garden makes it a good destination for walkers, cyclists and families with children, particularly in the summer months, and that its closure in April this year prevented the pub benefiting from this trade. Its relatively prominent position with the rural road network also allows for passing trade, particularly in summer months.

Nevertheless, it cannot be construed as being in an isolated position. Due to its proximity to the village of Bovingdon it cannot be considered to be in a location which makes the local community dependent on it to serve their day-to-day needs.

### Impact on Green Belt

In terms of its physical impact on the Green Belt, the building as a dwelling would not cause any harm to the openness of the Green Belt. Existing dwellings in the Green Belt usually have

permitted Development rights and thus it would be unreasonable to remove these rights by condition. However, the grassed paddock area to the rear part of the site, although within the red outline for this application, is for agricultural purposes only and a condition should be attached to any planning consent to ensure that this land does not form part of its domestic curtilage.

It is noted from the location plan that there is a slight reduction in hard surfacing to soft landscaping immediately to the front of the building. However, whilst this would clearly be a visual improvement within the scheme, the details shown on the location plan for retention of the gravelled area to the rear of the building and the retention of this (third) access is questioned. Given the fact that the two access points either side of the building are shown to be retained for the purpose of an In/Out drive, there is therefore no logic or purpose identified on the plan or in the Statement for retaining this swathe of hard surfacing. This would be better used as part of the private rear garden. Thus, any planning consent should require changes to be made to the landscaping of this existing gravelled area to the rear of the building.

#### Effects on appearance of building and impact on street scene

The lack of extensions or any significant changes to the building as well as the increase in soft landscaping would allow the change of use to comply with Policy 11 criteria in terms of quality of development. The dwellings immediately surrounding the site are large and set in substantial plots. The setting of this site as a dwelling would be in character with those immediately surrounding it, although, as stated the retention of the rear gravelled area as identified on the location plan is questioned.

#### Impact on Trees and Landscaping

There would be no loss of trees (all existing trees are to be retained) and the landscaping will be augmented.

#### Impact on Neighbours

There would be no adverse impact on the amenities of local residents.

#### Sustainability

No structural changes are shown to be made to the building during its upgrade other than increased insulation.

#### Other Material Planning Considerations

There would be ample parking retained on the site for private use.

The application makes no reference to the agricultural field beyond the pub but which is included within the red outline and through the application forms is identified as belonging to the site. There is also no reference to the use of the area of this field that was used as the pub garden. There is no reference to the old timber building that was formerly used as stabling.

A signed and dated unilateral agreement has been received to comply with this Council's SPD.

**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 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development in compliance with Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 3 **The domestic curtilage for this residential dwelling hereby approved does not extend into the grassed paddock area to the rear part of this site.**

Reason: For the avoidance of doubt and to enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in compliance with Policies 11 and 22 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 4 **This development hereby approved does not include the retention of the hard surfaced area to the side and rear of the building. Furthermore, the rearmost access point shall only serve the paddock area and shall not connect to the parking area serving the residential property. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. The development shall then be carried out and be retained in accordance with the approved landscaping details.**

Reason: To ensure a satisfactory appearance to the development in compliance with Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

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

**RO BG PP 03 Rev B with the exception of the hard surfacing to the rear of the building  
RO BG PP 02 Rev A  
RO BG PP 01 Rev A**

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

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out

below and to all other material planning considerations, including relevant supplementary planning guidance. Based on the information provided, there is evidence to suggest that this public house in the Green Belt is not economically viable and no interest has been generated through its marketing exercise. Furthermore, as there are a number of public houses still operating within a 2 mile radius this demonstrates that it is not in an isolated position and thus is unlikely to perform a vital day-to-day link for the local community. Therefore its change of use is acceptable in principle in accordance with Policy 68 of the Borough Plan.

There would be no adverse effects on the appearance of the building or the appearance of the street scene or local area. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policies 4, 11 and 68 of the Borough Plan.

NOTE 2:

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

**Dacorum Borough Local Plan 1991 - 2011**

Policies 4, 11, 13, 58, 68, 94 and 110

**Dacorum Pre-Submission Core Strategy**

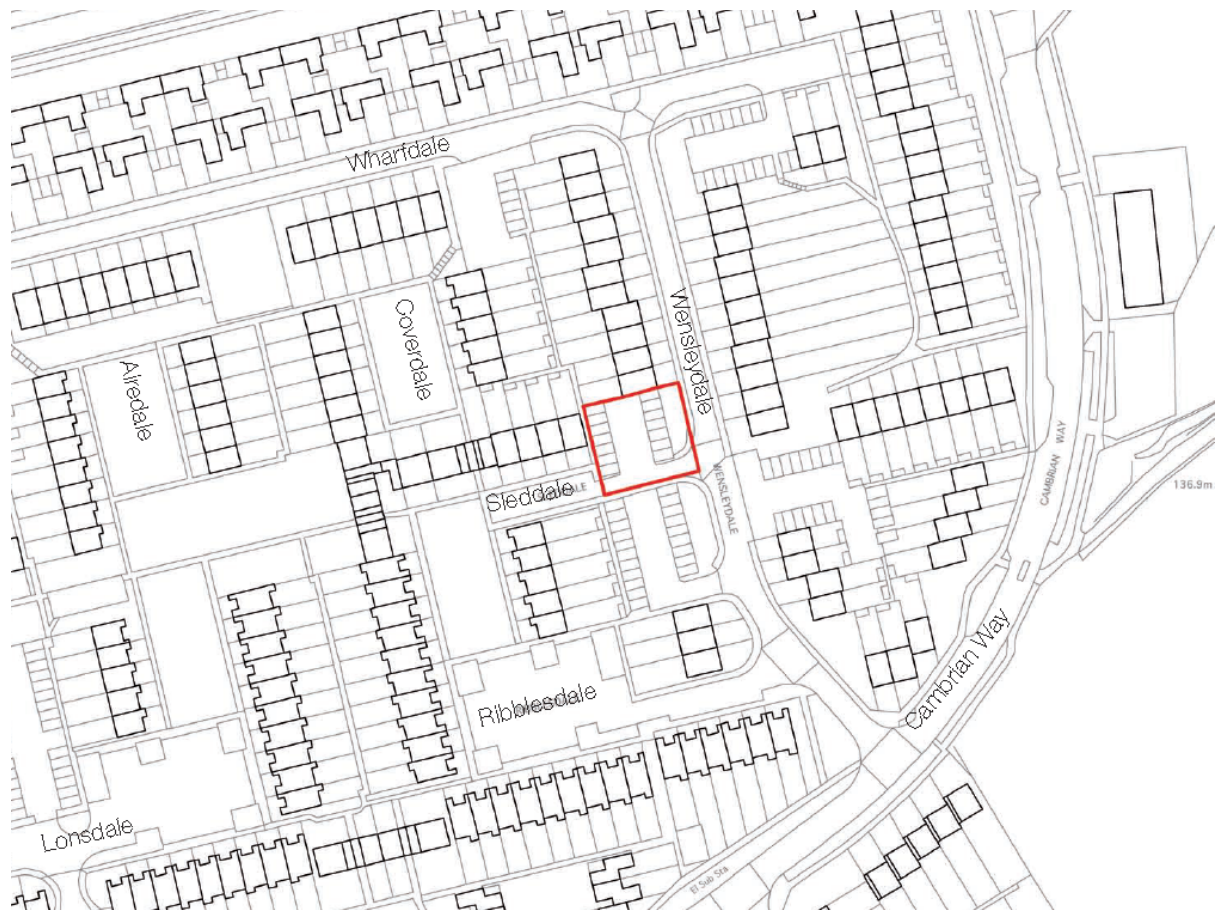
Policies CS5, CS23

NOTE 3:

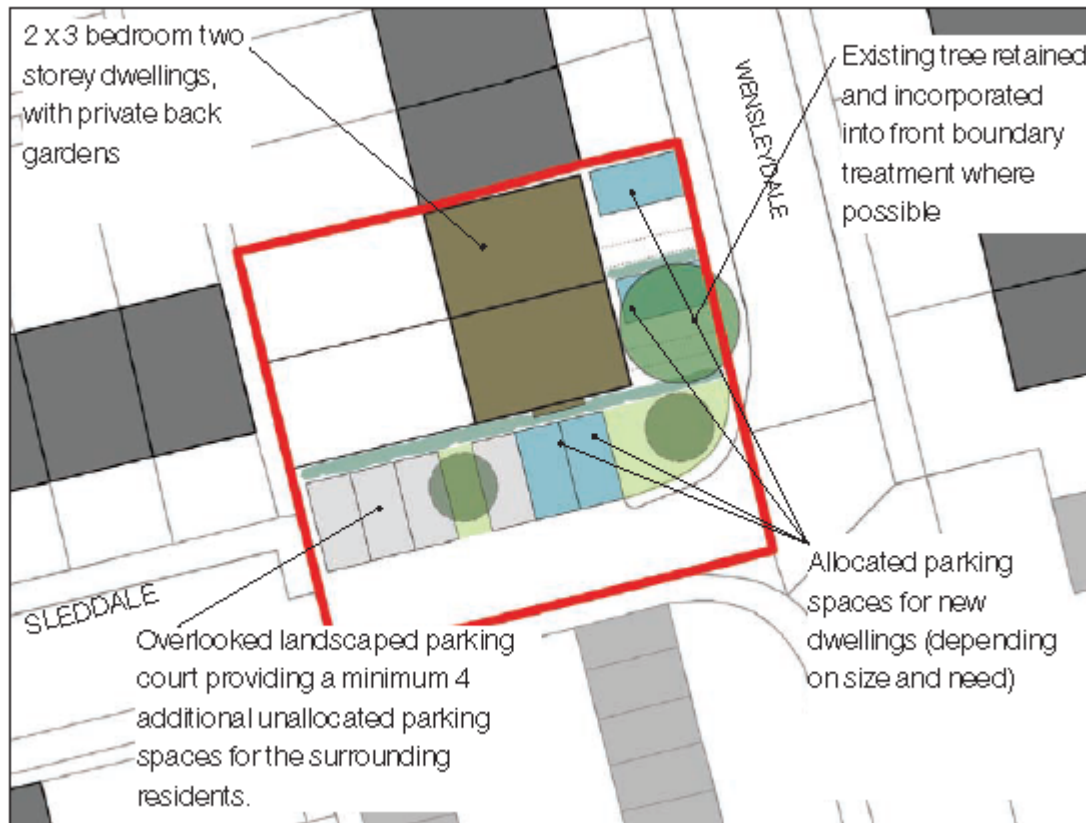
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the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

**ITEM NO. 5.2**

**4/01964/12/OUT - DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF TWO RESIDENTIAL UNITS AND PARKING AREA  
GARAGES AT JUNCTION OF SLEDDALE AND, WESTERDALE, HEMEL HEMPSTEAD,  
HP2**



**4/01964/12/OUT - DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF TWO RESIDENTIAL UNITS AND PARKING AREA  
GARAGES AT JUNCTION OF SLEDDALE AND, WESTERDALE, HEMEL HEMPSTEAD,  
HP2**



**5.2 4/01964/12/OUT - DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF TWO RESIDENTIAL UNITS AND PARKING AREA.  
GARAGES AT JUNCTION OF SLEDDALE AND, WESTERDALE, HEMEL HEMPSTEAD, HP2.  
APPLICANT: DACORUM BOROUGH COUNCIL.**

[Case Officer - Robert Freeman]

[Grid Ref - TL 06500 08803]

### **Summary**

The application is recommended for approval.

The applicants have demonstrated that the redevelopment of this underused garage court would not lead to the displacement of vehicles to the detriment of highway safety. The proposals will create additional on-street parking within an area where there is significant pressure for existing on-street parking facilities. A new parking bay would be provided which would exceed the current occupation levels of the garage court and would address some demand for on-street parking in this locality. It can be demonstrated that the scale of residential development proposed is appropriate and these new dwellings can be constructed without detriment to the character and appearance of the area and the amenities of neighbouring properties. The proposals would be in accordance with Policies 2, 9, 11, 51, 54 and 58 and Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS4, CS8, CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

### **Site Description**

The site is located on the corner of Wensleydale and Sleddale. The site comprises a block of 14 garages accessed from Sleddale with a narrow amenity between the rear elevation to the garage court and Wensleydale. The residential area comprises a number of three storey townhouses and two storey dwellings constructed in terraced blocks. A number of the townhouses in Wensleydale have been converted into two or more flats by incorporating the original car port. A number of properties within the estate are designed to face large amenity greens with parking provided either on-street or within garage blocks.

### **Proposal**

The application seeks outline permission for the demolition of 14 garages on the corner of Sleddale and Wensleydale and the construction of two residential units and an on street parking bay. The current garage block is under occupied and represents an inefficient use of land. The application has been submitted in outline form with only principle of developing the site to be determined. A site parameter plan has been submitted indicating the location of the new residential units which are indicated to be constructed to a maximum height of two storeys. A parking area for a minimum of six vehicles is illustrated.

### **Referral to Committee**

The application is referred to the Development Control Committee as it involves development upon land within the Borough Council's ownership.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework

## Dacorum Borough Local Plan 199-2011

Policies 1, 2, 9, 10, 11, 13, 14, 16, 18, 20, 51, 54, 58, 61, 63, 99, 111, 122, 123 and 124.  
Appendices 1, 3 and 5

## Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Policies CS1, CS2, CS4, CS8, CS12, CS13, CS17, CS18, CS19, CS26, CS28, CS29, CS31 and CS35

## Supplementary Planning Guidance and Documents

Accessibility Zones for the Application of Parking Standards  
Area Based Policies for Residential Character Area – HCA 20: Highfield  
Energy Efficiency & Conservation  
Environmental Guidelines  
Water Conservation

## **Representations**

### Pre-Application

The Council undertook a public consultation exercise prior to the submission of the current application. An exhibition was held over two days on 16th July 2012 (1pm - 8pm) and 20th July 2012 (9am-5pm) at which members of the Tibbalds Planning and Urban Design team, planning officers and members of the Dacorum Borough Council's Asset and Property Management team were available to discuss the issues raised by redeveloping garage courts with local residents. The events were attended by 96 people in total.

Two options were provided with regard to the application site; Option 1 proposed three new dwellings with private parking for these units, whilst Option 2 proposed two new dwellings, each with their own private parking, but also a separate area of unallocated parking which would provide additional spaces for the surrounding area.

Of the two options, attendees were more positive about Option 2, with the additional unallocated parking being identified as something that would be of benefit to existing residents of the area and would mitigate the loss of the garages.

The comments that were received specifically about the Sleddale site are summarised as follows within the applicants Design and Access Statement:

- that two units would be more appropriate for the site;
- redevelopment of the garages with open parking spaces would be better;
- there would be a loss of garage parking and an increase in parking demand from the new development. The layout should have more parking for existing residents;
- there would be increased traffic and congestion from redevelopment of the site; and
- there could be anti-social behaviour.

The consultation mailbox received one specific comment in relation to the Sleddale site. This raised the following matters:

- that land associated with the garages could and should be used more effectively,
- that existing parking arrangements were concerning given the conversion of many properties in the area to apartments and HMO's and the reliance of these dwellings on on-



- street parking,
- that existing garages were too small and did not warrant refurbishment or on going maintenance,
  - that the overall level of parking would need to be appropriately considered and addressed.

Councillor Harris emailed in respect to the exhibition of two proposals for development within his Ward including the proposals for the redevelopment of the site on the corner of Westerdale and Sleddale. Councillor Harris commented that whilst he supported the principle of reusing under occupied and derelict garages to provide additional housing reports to Cabinet had identified a high occupancy level for the garages subject to this scheme (at around 71% occupation) and it was therefore surprising that these sites had been suggested in preference to other garage courts (for example Paston Road, Highfield) with a lower level of occupation. Councillor Harris requested that the Sleddale site was replaced with an alternative proposal.

### Post Application

#### Contaminated Land Officer

Due to the sensitive nature of the proposed land use, consideration should be made to the potential for contamination to affect the development. Therefore I recommend that a contamination condition be applied to this development should permission be granted.

#### Hertfordshire Highways

The above outline application is for the demolition of the garages at Sleddale, Hemel Hempstead and to replace them with two dwellings as shown on the submitted plan. There is not a lot of detail within this application and the number of bedrooms or level of off street parking for these two houses has not been declared. The real concern is the loss of the garages and if this will create further demand for on street parking in an area that already has a high concentration at peak times i.e. the evening and weekends. It is imperative that if this development is allowed it does not further burden the highway with additional on street parking demand. The applicant will therefore need to demonstrate that this will not happen and it would be useful to know when a full application is made what the rental up take is and has been with these garages which it then justifies their replacement with houses. When a full application is made then the usual construction and highway conditions can be applied if applicable.

#### Environmental Health

Comments awaited.

#### Hertfordshire Constabulary

Crime prevention measures have been incorporated in the Design and Access Statement and at this stage I would have no further comments to make upon the merits of the proposed scheme.

#### Thames Water

##### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water 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.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

#### Water Comments

With regard to water supply, this comes within the area covered by the Veolia Water Company.

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

One emailed objection has been received stating that residents of Wensleydale had already opposed new development of this site on grounds of a lack of parking within the area.

### **Considerations**

#### Principle

The only consideration in the assessment of the application is the appropriateness of the site for residential development. The site is located within a residential area of Hemel Hempstead where in accordance with Policies 2 and 9 of the Dacorum Borough Local Plan 1991-2011 and Policy CS4 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012') new residential development would be encouraged. The site is currently underused as garages and is subject to vandalism. There would be a strong presumption in Policies 10, 14 and 16 of the Dacorum Borough Local Plan 1991-2011 and Policy CS17 in favour of promoting residential use of the land to address a need for new housing within the Borough.

The site will provide small units of accommodation given its nature and as encouraged by Policy 18 of the Dacorum Borough Local Plan 1991-2011 and Policy CS18 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012') The site does not meet an affordable housing threshold in accordance with Policy 20 of the Dacorum Borough Local Plan 1991-2011 and Policy CS19 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012') and as such there is no policy requirement to provide affordable housing on this site. It remains open to the Council to promote the site for affordable housing purposes outside the planning requirements for the site once permission has been secured.

The principle of residential development is acceptable. The suitability of the site for residential use is dependant upon the applicants ability to manage and mitigate displacement parking from the site.

#### Access and Parking

The suitability of the site for residential development is dependant on the provision of appropriate arrangements for the management of parking within the area. The scheme has been carefully considered from the outset to ensure that any proposed development of the site is self contained and does not lead to the dispersal of vehicles onto the surrounding highway network to the detriment of matters of highways safety in accordance with Policies 11, 51, 54 and 58 of the Dacorum Borough Local Plan 1991-2011 and Policies CS8 and CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012') It was determined at the pre-application stage that any proposals for the development of this site would need to set out in detail how replacement parking for existing tenants would be provided.

The site represents a good opportunity to rationalise the number of garages in Council ownership and provide much needed new housing. Only five of the garages upon the site are currently occupied representing a low percentage of the overall number of garages on this site (36%) The site is located in an area where there are a number of vacant garage plots in the immediate vicinity of the application site in neighbouring garage courts. There is sufficient land to provide an on-street parking bay of some six spaces and as such there is a number of opportunities to offer alternative parking spaces to existing tenants in this neighbourhood. This parking bay would be overlooked in the interests of crime prevention and security.

Although the layout and scale of the new residential units is yet to be determined, it is indicated that the new dwellings would be a maximum of two storeys in height and would be likely to comprise two or three bedrooms. There is adequate space to provide a parking area for a minimum of one on-plot parking space to the front of each unit (a total of two spaces on the Wensleydale frontage to serve the two houses) without significant detriment to the appearance of the street. If more allocated spaces required for each unit in order to meet the requirements of the parking standards under Policy 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011, these shall be accommodated in the new shared bay fronting onto Sleddale.

The proposed access arrangements are considered to be safe in accordance with Policies 11, 51, 54 and 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

#### Design and Layout

Although the design and layout of the proposed residential scheme is not set out for approval at this stage the associated Design and Access Statement and parameters plan are considered to establish sufficient detail to guide the formulation of a high quality residential scheme in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012'). Although the plan indicates that a maximum height of two storeys would be appropriate in this location, there would be no objections in principle to a higher building given the provision of townhouses in this location in accordance with Policies 11 and 111 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

#### Impact on Residential Amenity

The proposals would not detract significantly from the amenities of neighbouring properties in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012') Any new residential unit would be constructed in line with the existing properties fronting Wensleydale in accordance with the parameters plan and would not project beyond the rear elevation to units forming this terrace. The height of the building and its juxtaposition to units opposite the site and at Sleddale is such that there would be no significant adverse impact on daylight or sunlight to any properties surrounding the application site. The proposals will not overlook the neighbouring dwellings in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

#### Impact on Trees and Landscaping

The proposed development will not result in the loss of any trees of significance in accordance with Policy 99 of the Dacorum Borough Local Plan 1991-2011 or Policy CS12 of Dacorum's

Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012'). There is a tree on the verge between a rear elevation to the garage court and Wensleydale which is of limited amenity value. Although its loss would not be significant ever effort should be made to retain this tree within any subsequent landscaping scheme approved for the application site.

### Sustainability

The Design and Access Statement accompanying the planning application indicates that the proposed development should be designed to accord with the requirements of Building Regulations and the Code for Sustainable Homes. The Council, as landowner, is expecting to expedite the delivery of housing on this site and as such it would appear reasonable to expect this development to meet Code Level 4 of the Code for Sustainable Homes given the emerging context of the Core Strategy and likely improvements in relation to the Building Regulations. Such matters will be conditioned to ensure that the proposals would meet the requirements of Policies 1, 122, 123 and 124 and Appendix 1 of the Dacorum Borough Local Plan 1991-2011 and Policies CS28, CS29 and CS31 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012'), Energy Efficiency and Conservation SPD and Water Conservation SPD.

### Unilateral Undertaking

The Council, and any successor in title, will be expected to comply with Policy 13 of the Dacorum Borough Local Plan 1991-2011, Policy CS35 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012') and the Planning Obligations Supplementary Planning Document and as such it is necessary for the Council to enter into a planning obligation for the development of this site. This agreement will secure contributions towards new allotment provision, outdoor pitches, cycle and sustainable transport measures, primary school education provision, child play space, natural green space and library provision to off-set the impact of development upon these services. The Council's legal team have been instructed to prepare an obligation to cover these matters.

### RECOMMENDATIONS

- 1) That the application be **DELEGATED** to the Group Manager Development Management and Planning with a view to approval subject to the expiry of the neighbour notification period and completion of a planning obligation under S.106 of the Town and Country Planning Act 1990 and subject to the conditions set out below:
- 2) That this planning obligation secures the contributions set out in the Planning Obligations Supplementary Planning Document.

Suggested conditions:

- 1 **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.**

Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 2 **Approval of the details of the Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 3 **Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 4 **No more than two dwellings shall be erected on the site subject to this planning permission.**

Reason: In the interests of the visual amenities of the area and highways safety in accordance with Policies 11 and 58 and Appendix 3 and 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS8, CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

- 5 **The proposed dwellings shall not be occupied until a parking bay for some 6 vehicles has been provided in accordance with the Parameter Plan hereby approved.**

Reason: In the interests of highways safety in accordance with Policies 11, 51, 54 and 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS8 and CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

- 6 **The details of appearance to be submitted in accordance with Condition 2 shall include:**

- elevations of the proposed building,
- full details of all materials to be used in the construction of any external surfaces of the development hereby approved,
- full details of any external lighting to the dwellings and
- details of any safety and crime prevention measures incorporated in the design of the new properties.

**The proposed development shall be carried out fully in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

- 7 **The details of layout to be submitted in accordance with condition 2 shall include:**

- a block plan demonstrating the relationship between the proposed building(s) and the neighbouring properties at a scale of 1:500,

- floor plans at a scale of 1:50
- details of refuse and recycling facilities,
- measures for disabled access,
- means of enclosure and
- details of any crime prevention and security measures.

**The proposed development shall be carried out fully in accordance with the approved details.**

Reason: To ensure a satisfactory relationship between the proposed building(s) and neighbouring properties in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

**8 The details of landscaping to be submitted in accordance with Condition 2 shall include:**

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- trees to be retained and measures for their protection during construction works;

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

**9 The details of scale to be submitted in accordance with Condition 2 shall include:**

- an existing topographical survey of the site,
- details of slab levels, finished floor, eaves and ridge levels in respect to existing and proposed ground levels and
- details of slab level, finished floor, eaves and ridge levels to the existing dwellings adjacent to the boundaries of the site.

Reason: To ensure a satisfactory relationship to neighbouring properties in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

**10 Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

**(a) Site Characterisation**

**An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

- (i) a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**
  - human health,**
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
  - adjoining land,**
  - groundwaters and surface waters,**
  - ecological systems,**
  - archeological sites and ancient monuments;**
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).**

**This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.**

**(b) Submission of Remediation Scheme**

**A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

**(c) Implementation of Approved Remediation Scheme**

**The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.**

**Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.**

**(d) Reporting of Unexpected Contamination**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.**

**Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

- 11 **The dwellings shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy 1, 122 and 124 and Appendix 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance and Policies CS28, CS29 and CS31 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The applicants have demonstrated that the redevelopment of this underused garage court would not lead to the displacement of vehicles to the detriment of highways safety. The proposals will create additional on-street parking within an area where there is significant pressure for existing on-street parking facilities. The new parking bay would be commensurate in scale with the current occupation rate for the garages to be demolished. It can be demonstrated that the scale of residential development proposed is appropriate and these new dwellings can be constructed without detriment to the character and appearance of the area and the amenities of neighbouring properties. The proposals would be in accordance with Policies 2, 9,



11, 51, 54 and 58 and Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS4, CS8, CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

NOTE 2:

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

**Dacorum Borough Local Plan 199-2011**

Policies 1, 2, 9, 10, 11, 13, 14, 16, 18, 20, 51, 54, 58, 61, 63, 99, 111, 122, 123 and 124.

Appendices 1, 3 and 5

**Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')**

Policies CS1, CS2, CS4, CS8, CS12, CS13, CS17, CS18, CS19, CS26, CS28, CS29, CS31 and CS35

**Supplementary Planning Guidance and Documents**

Accessibility Zones for the Application of Parking Standards

Area Based Policies for Residential Character Area – HCA 20: Highfield

Energy Efficiency & Conservation

Environmental Guidelines

Water Conservation

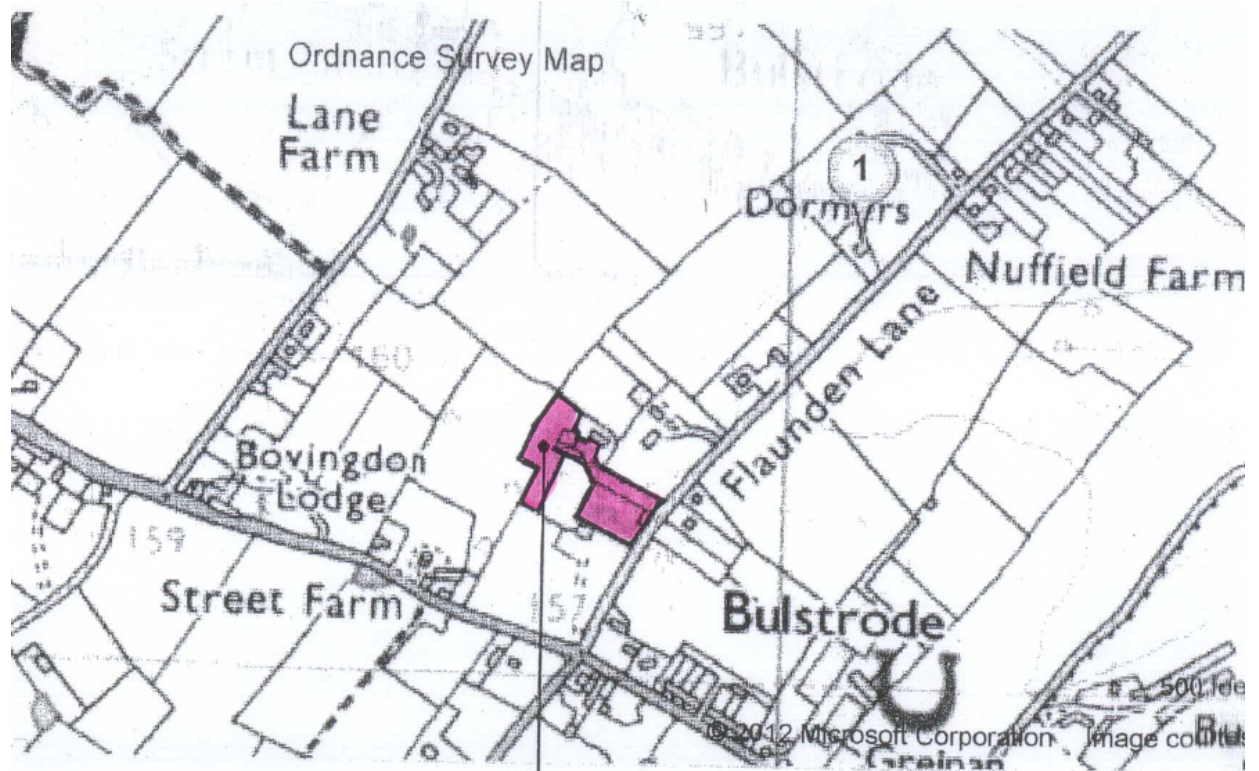
Article 31 Statement

Planning permission has been granted for this proposal. There has been pre-application public consultation and involvement which has influenced the scale of the scheme submitted. 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.

**ITEM NO. 5.3**

**4/01693/12/FHA - CONSTRUCTION OF THREE OAK FRAMED CAR BAYS AND LOG STORE WITH SUNDRY COUNTYARD IMPROVEMENTS. RELOCATE DOOR TO EXISTING GARAGE AND CLADDING IN OAK. REPLACE EXISTING CONSERVATORY GLASS ROOF WITH PLAIN TILES.**

**LONG MEADOW, FLAUDEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PA**

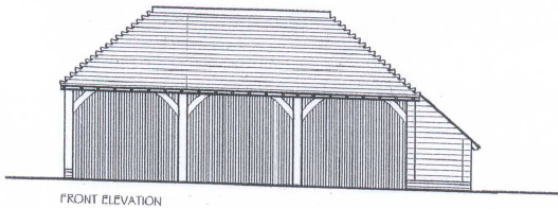
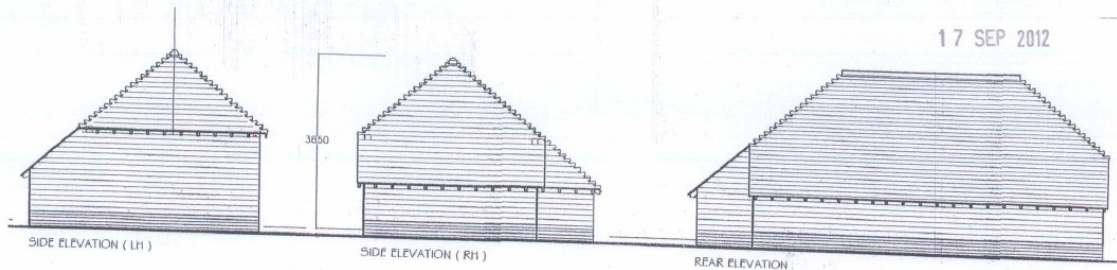


4/01693/12/FHA - CONSTRUCTION OF THREE OAK FRAMED CAR BAYS AND LOG STORE WITH SUNDRY COUNTYARD IMPROVEMENTS. RELOCATE DOOR TO EXISTING GARAGE AND CLADDING IN OAK. REPLACE EXISTING CONSERVATORY GLASS ROOF WITH PLAIN TILES.

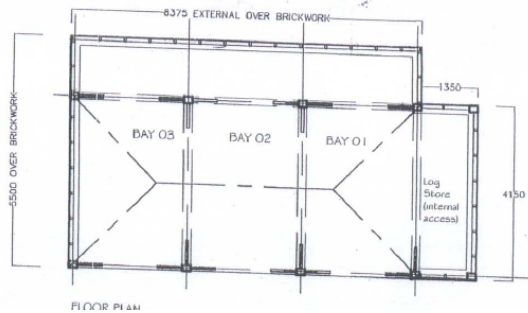
LONG MEADOW, FLAUNDEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PA

4/01693/12

17 SEP 2012



FRONT ELEVATION  
STANDARD 3 BAY BARN  
HANDED - TYPICAL



**5.3 4/01693/12/FHA - CONSTRUCTION OF THREE OAK FRAMED CAR BAYS AND LOG STORE WITH SUNDRY COURTYARD IMPROVEMENTS. RELOCATE DOOR TO EXISTING GARAGE AND CLADDING IN OAK. REPLACE EXISTING CONSERVATORY GLASS ROOF WITH PLAIN TILES..  
LONG MEADOW, FLAUDEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PA.  
APPLICANT: MR AND MRS WALKER.**

[Case Officer - Philip Stanley]

[Grid Ref - TL 02780 03217]

### **Summary**

The application is recommended for refusal. While the works to the conservatory roof are acceptable it is considered that the additional triple garage, together with the extension to the hardsurfacing / courtyard area would have a detrimental impact upon the openness of the Green Belt and the rural setting to the property. As such the proposals would be contrary to Policies 4 and 11 of the Dacorum Borough Local Plan, as well as national guidance contained within the NPPF.

### **Site Description**

The application site consists of a very large semi-detached house in red brick with a plain clay tiled roof and located within the Metropolitan green belt. The house is situated at the end of an access road off Flaunden Lane, which serves another three houses. It is noticeable that the house has had various extensions over the years, such as the conservatory with a glazed lean-to roof added to the rear of a side extension.

There is a gravel area in front of the house and then a low brick wall forming the boundary between this vehicular area and the garden. Opposite the house is a pitched roof double garage. The perimeter of the site is formed by tall mature trees.

### **Proposal**

#### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Bovington Parish Council.

#### **Planning History**

The application site has a complicated history due to the fact that the original house was split into two and while at first the left-hand side (from the front) house took the name Long Meadow, and the right-hand side house was known as Crossfield, later this was changed and the right-hand side house took the name Long Meadow.

**W/1018/57:** Conversion of house into three separate residences and stabling block to chalet bungalow – **Granted** 1957, but not implemented.

**W/1468/57:** Conversion of existing residence to provide two self-contained residential units – **Granted** 1957.

The following applications, although submitted under the name Long Meadow at the time of the application, related to the other half of the semi-detached pair.

**4/01033/89/FUL:** Two-storey rear and single storey front extension and double garage – **Granted** 07/09/89.

**4/01271/89/FUL:** Change of use of bedroom for office use (temporary) – **Refused** 07/09/89.

**4/01076/90/FUL:** Single storey rear extension – **Granted** 05/09/90.

Therefore the only planning application relating to the right-hand side of the pair (now known as Long Meadow) is as follows:

**4/00543/99/FHA:** Single storey extension with basement – **Granted** 18/05/99.

## **Policies**

### National Policy Guidance

NPPF  
Circular 11/95

### Dacorum Borough Local Plan

Policies 4, 11, 13, 22 and 58  
Appendices 5 and 7

### Dacorum Borough Core Strategy - Pre-Submission

Policies CS1, CS5, CS11 and CS12

### Supplementary Planning Guidance

Accessibility Zones for the Application of Parking Standards

## **Representations**

### Bovingdon Parish Council

Support

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

None received.

## **Considerations**

### Policy and Principle

The application site is contained within the Metropolitan Green Belt where there is a presumption against inappropriate development. According to Policy 4 of the DBLP new buildings will only be acceptable in a limited number of purposes. Policy CS5 of the Core Strategy states that small-scale development will be permitted, inter alia, for limited extensions to existing buildings providing there is no significant impact on the character and appearance of the countryside.

Furthermore, Policy 11 of the DBLP and Policy CS12 of the Core Strategy expects all development to be of high quality, to respect the appearance of the original house, to be in keeping with the surrounding area, and to avoid harm to the residential amenities of neighbouring properties.

### Impact on Green Belt

Paragraph 87 of the NPPF states that, "*As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*". The applicant's Agent has provided the following information to justify this development contrary to planning policy:

*"Mr and Mrs Walker have 3 vehicles (a Landcruiser, Range Rover and Audi). Their daughter Emily has a Volkswagon and their son Peter drives an Audi. Those 5 vehicles require to be garaged. In addition, Mrs Walker's mother is now permanently resident in the house and, at 87*

*years of age, suffers from dementia and other mobility problems. She requires the assistance of 4 carers on a day to day basis. 2 carers live in, and all carers use vehicles kept on site or for access to and from the house.*

*Mr and Mrs Walker also have a housekeeper. I hope you will understand that this explains in large part the need for not only parking spaces but additional garage spaces, which is the reason for the current application".*

It is accepted that the Agent has put forward an argument for the need for greater parking provision than that outlined in the maximum parking standards of Appendix 5 of the Local Plan. Nevertheless, it is not considered that this argument extends to a built form in excess of 50 square metres and bearing in mind the existence of a double garage already on the site. Furthermore, it is not considered that this argument represents the very special circumstances required to outweigh the harm to the Green Belt. Certainly this argument is too easily replicable to justify a harmful development. It is also noted that a particular family's situation will change over time, but the triple garage would be a permanent structure in the landscape. Finally, it is worth emphasising that an alternative development as suggested by the Planning Department of extending the existing double garage into a triple garage, rather than build a new triple garage, was not taken up by the applicant.

It is considered that neither the oak cladding to the existing garage or the use of plain tiles for the conservatory roof would cause harm to the Green Belt. These two aspects of the development are acceptable from this perspective.

#### Effects on appearance of building

Furthermore, there would be an increased formality to the site frontage. The alignment of the garages, the creation of an extended courtyard and the insertion of five new planters would all emphasise the dominance of the new site frontage and would harm the presently rural appearance of the site. The plans also show six marked parking bays. While these may not be physically marked in the way shown, they do serve to emphasise that the site would become dominated by parking with 11 parking spaces being created. Appendix 5 of the DBLP makes it clear that, "*Large unbroken expanses of parking or excessive hard surfacing areas at building frontages are undesirable* As such it is considered that the proposals are contrary to Policy 11 (a and c), as well as Appendix 5 of the DBLP.

#### Impact on Street Scene

#### Impact on Neighbours

Please refer to earlier sections. Overall, while it is appreciated that the applicants have a need for a greater number of parking spaces than that permitted under the maximum parking standards in Appendix 5, the formal arrangement to the parking spaces, the amount of hardstanding required for the parking area, and the significant increase to (and sprawl of) the built form resulting from the proposed triple garage would all cause significant harm to the openness and rural character of the site.

### **Conclusions**

The proposed development would cause significant harm to the openness of the Green Belt, as well as the rural character of the site.

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

The application site is located in the Metropolitan Green Belt in the Dacorum Borough Local Plan 1991-2011 (DBLP). Within the Green Belt, planning permission will only be granted for

appropriate development, in accordance with national advice contained in the National Planning Policy Framework (NPPF), and DBLP Policy 4. By virtue of the bulk and scale of the triple garage, together with the enlargement and formalisation of the hardsurfacing / courtyard area, the proposed development would have a significant detrimental impact on the openness of the Green Belt and the character and appearance of the site's countryside setting. Consequently, the proposed development fails to comply with Policies 4 and 11 (a and c) and Appendix 5 of the Dacorum Borough Local Plan, as well as national guidance contained within the NPPF.

RECOMMENDATION - That planning permission be **REFUSED** for the following reasons:

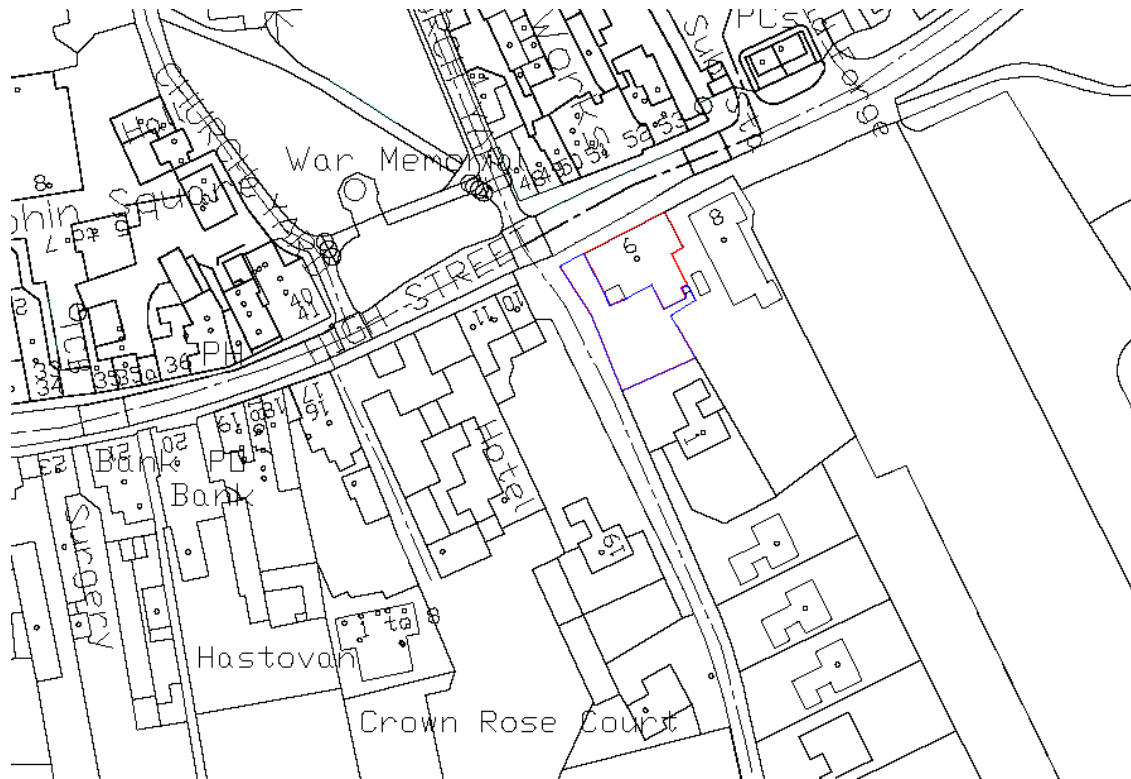
**The application site is located in the Metropolitan Green Belt in the Dacorum Borough Local Plan 1991-2011 (DBLP). Within the Green Belt, planning permission will only be granted for appropriate development, in accordance with national advice contained in the National Planning Policy Framework (NPPF), and DBLP Policy 4. By virtue of the bulk and scale of the triple garage, together with the enlargement and formalisation of the hardsurfacing / courtyard area, the proposed development would have a significant detrimental impact on the openness of the Green Belt and the character and appearance of the site's countryside setting. Consequently, the proposed development fails to comply with Policies 4 and 11 (a and c) and Appendix 5 of the Dacorum Borough Local Plan, as well as national guidance contained within the NPPF.**

#### ARTICLE 31 STATEMENT

Planning permission consent has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has also put forward an alternative scheme that would be supported. 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.

**ITEM NO. 5.4**

**4/01976/12/LBC - TAKE UP ALL CARPETING AND BOARDING, TAKE UP FLOOR BOARDS, INSPECTION OF EXISTING JOISTS AND MAKE REMEDIAL REPAIRS, INSTALL SISTERS JOISTS NEXT TO EXISTING JOISTS AND BOLT TOGETHER, RE-FIX FLOOR BOARDS AND LAY NEW BOARDING AND CARPETS  
THE COUNTING HOUSE, 9 HIGH STREET, TRING, HP235TE**





**4/01976/12/LBC - TAKE UP ALL CARPETING AND BOARDING, TAKE UP FLOOR BOARDS, INSPECTION OF EXISTING JOISTS AND MAKE REMEDIAL REPAIRS, INSTALL SISTERS JOISTS NEXT TO EXISTING JOISTS AND BOLT TOGETHER, RE-FIX FLOOR BOARDS AND LAY NEW BOARDING AND CARPETS. THE COUNTING HOUSE, 9 HIGH STREET, TRING, HP23 5TE. APPLICANT: DACORUM BOROUGH COUNCIL.**

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[Case Officer - Philip Stanley]

[Grid Ref - SP 92521 11431]

## **Summary**

The application is recommended for approval. The works will not visually affect the special architectural / historic interest of the building. As such the application complies with Policy 119 of the Dacorum Borough Local Plan, as well as national guidance within the National Planning Policy Framework.

## **Site Description**

The Counting House is a late C19th Grade II listed building in a prominent location within the High Street and conservation area of Tring.

The building originated as Estate Offices and a Lodge serving the Rothschild Tring Park Estate and is attributed to William Huckvale with a typical Tudor design. The two-storey building and attic is still used for offices to a number of companies.

## **Proposal**

The scheme proposes a strengthening scheme to the floor of one of the first floor offices which is required because of severe deflection in the floor joists which structurally are unable to accommodate modern office floor loading.

The proposals intend to remove the existing floor boarding, introduce additional joists bolted along side existing joists and replace the existing floor boarding.

## **Referral to Committee**

The application is referred to the Development Control Committee as the applicant is the Borough Council.

## **Planning History**

### **Policies**

#### National Policy Guidance

NPPF  
Circular 11/95

#### Dacorum Borough Local Plan

Policies 1, 2, 9, 11, 13, 39, 119 and 120

#### Dacorum Borough Core Strategy - Pre-submission

CS1, CS12 and CS27

## Supplementary Planning Guidance

### Environmental Guidelines - Section 7

#### **Representations**

##### Tring Town Council

We had no objection to this application.

##### Conservation and Design

The works are considered to be essential to prevent any resultant damage to the ceiling below the floor and provide a level and practical floor to the office. The works will not visually affect the special architectural / historic interest of the building and from a conservation aspect is acceptable for approval subject to the following requirements:

- Original boarding to be taken up in full lengths with care and not cut or damaged.
- Skirting to remain in situ.

#### **Considerations**

##### Policy and Principle

In accordance with Policy 119 of the DBLP consent to alter listed buildings will only be granted where it can be satisfactorily demonstrated that the proposal will be carried out in a manner appropriate to the scale, proportion and external and internal appearance or historic character of the building to which it relates. This policy thrust has been continued in Policy CS27 of the Core Strategy which states that "*the integrity, setting and distinctiveness of designated heritage assets will be protected, conserved and if appropriate enhanced*".

National guidance within the NPPF also emphasises the importance of listed buildings. The NPPF states that '*heritage assets are an irreplaceable resource*' and LPAs should '*conserve them in a manner appropriate to their significance*' (para.126). LPAs need to assess the particular significance of the heritage asset (para.129) and the more important the asset the greater weight should be given to its conservation (para.131).

##### Effects on appearance and setting of listed building

The applicant has provided a detailed justification for the works. In essence the floor joists have, over time, proven to be insufficient for the loadings of a modern office. This has resulted in the floor joists deflecting by 60mm and resting on the ceiling joists. As a consequence the floor is uneven and structurally not suitable for the current office loadings.

Therefore, it is clear that some remedial work is required in order for this building to continue to be put to a beneficial use. Nevertheless a balance needs to be struck between preserving this important heritage asset and recognising its need to adapt to a modern office environment. As a result the insertion of steel beams was considered to be too intrusive as it would have resulted in the removal of the lath and plaster ceiling and the construction of a new ceiling.

The applicant has therefore applied for an alternative schedule of works, which involve the careful removal of the existing floorboards, the insertion of new timber joists next to the existing joists, and finally the re-insertion of the existing floorboards. The Conservation Officer has expressed his support for this approach which will preserve the architectural and historical qualities of this heritage asset.

The Conservation Officer has asked for two conditions to be attached to any permission granted. Firstly, he requests the original boarding shall be taken up in full lengths with care and not cut or damaged. Secondly, it is requested that the skirting remains in situ. However, both of these aspects are covered in the applicant's Heritage Statement which states that "*No features will be removed*" and that "*the floor boards will be lifted carefully in one piece and stored safely to be reused once all the joists works are complete*". As such it considered that a condition asking for the works to be undertaken in accordance with the Heritage Statement will be sufficient to meet the objectives of the Conservation Officer.

#### Impact on Street Scene / Conservation Area / Neighbours

As the works are all internal there would be no impact.

#### **Conclusions**

The proposed development consists of necessary remedial works to the listed building to allow its continued use as an office building. The proposed works would cause the minimum level of intrusion to the fabric of the listed building possible and importantly the existing floorboards would be re-laid once the additional joists have been inserted. Overall the application complies with Policy 119 of the Dacorum Borough Local Plan.

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

- 1 The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 The works hereby approved shall be carried out in accordance with the details submitted in the Heritage Statement (Issue 1, October 2012).**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Policy 119 of the Dacorum Borough Local Plan.

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

**15/01/51/PL/01  
003132.001  
Gyoury Self Structural Report.**

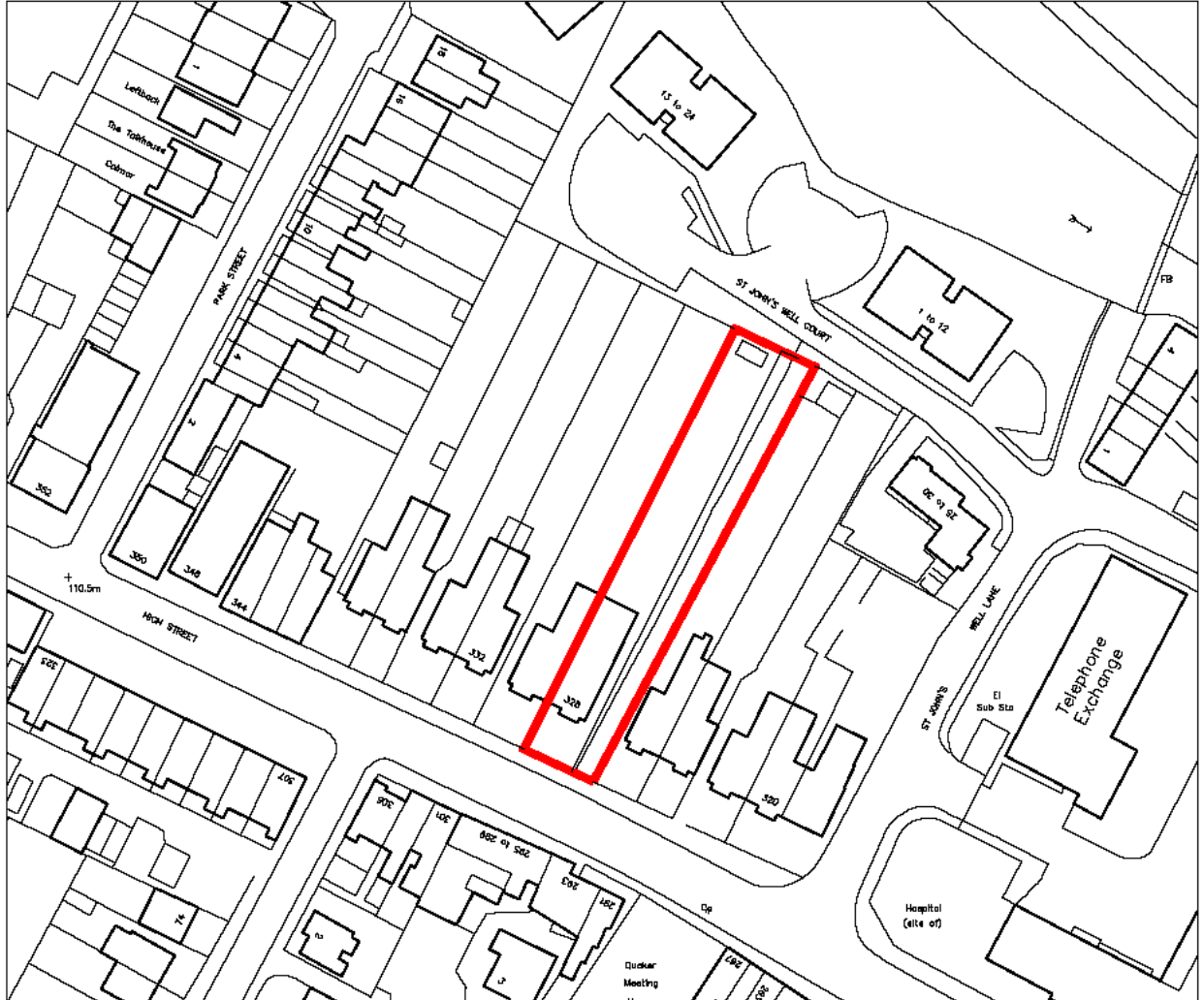
Reason: For the avoidance of doubt and in the interests of proper planning.

#### NOTE

This decision to grant listed building consent has been taken for the following reason having regard to the policies and proposals in the development plan and to all other material planning considerations, including relevant supplementary planning guidance.

The proposal would preserve the character of the listed building and accord with Policy 119 of the Dacorum Borough Local Plan 1991 - 2011.

**ITEM NO. 5.5**  
**4/01555/12/FUL - CONSTRUCTION OF DETACHED DWELLING AND GARAGE**  
**(AMENDED SCHEME)**  
**328 HIGH STREET, BERKHAMSTED, HP4 1HT**



4/01555/12/FUL - CONSTRUCTION OF DETACHED DWELLING AND GARAGE  
(AMENDED SCHEME)  
328 HIGH STREET, BERKHAMSTED, HP4 1HT



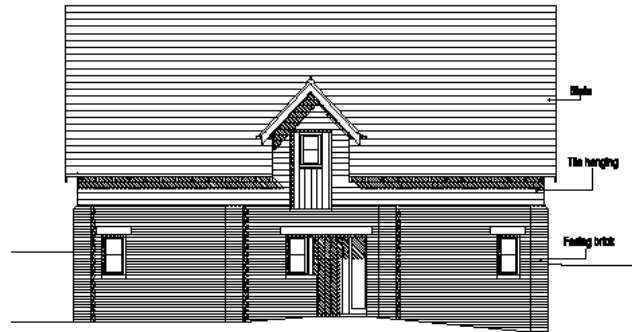
WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION

**5.5 4/01555/12/FUL - CONSTRUCTION OF DETACHED DWELLING AND GARAGE (AMENDED SCHEME).  
328 HIGH STREET, BERKHAMSTED, HP4 1HT.  
APPLICANT: MR & MRS M INGMAN.**

[Case Officer - Nigel Gibbs]

[Grid Ref - SP 98750 08099]

### **Summary**

The application is recommended for approval.

The principle of a dwelling at the site is acceptable. The proposal will be located within an existing cluster of somewhat uncoordinated residential development within the vicinity of St John's Well Close. The dwelling's design will be visually subservient to the main house due to its 'coach house appearance' and will introduce a building of high quality appearance which will respect the historic context at the existing edge of the Conservation Area. The building's appearance will contrast with the adjoining utilitarian garage at no.326 and will 'visually coordinate ' with the modern building line established by the flats at nos. 25 to 30 St John's Well Court. It will also form an historic link between the High Street and the somewhat isolated nearby older cottages.

In overall terms no. 328's subdivision will respect the historical layout of the dwellings in the High Street by maintaining the linear arrangement and creating commensurate residential curtilages. However the one reservation is the effect of the proposed single garage which will dilute the development's impact as observed by the Council's Conservation & Design Team. The applicants have confirmed that they are unable to delete the garage from the scheme. In this context and given that the garage could be constructed as 'permitted development' , the scheme as a whole will maintain the character of the Conservation Area. This albeit that the new dwelling itself is of high design quality.

With due regard to the objections raised by the Town Council and local residents a refusal based upon the effect upon the residential amenity to no. 330 High Street (including its garden) could not be substantiated. This is in terms of physical impact, the receipt of light and privacy. There will be no adverse effect upon other dwellings in the locality.

There are no fundamental highway safety parking/ access, contamination, drainage, crime prevention/ security, ecological, landscaping, sustainable construction, exterior lighting and archaeological objections. A planning obligation is necessary.

### **Site Description**

Nos 328 and 330 form part of a row of similar substantial distinctive gable roof Victorian semi detached villa style dwellinghouses located on the north western side of the High Street, to the immediate north west of the junction with St John's Well Lane. This steeply sloping road leads to a major public car park and St John's Well Court. It will also serve the recently approved retail development at the former Post Office site.

Most of the row of these High Street dwellings feature very elongated narrow linear rear gardens. The respective rear boundaries of these gardens adjoin St John's Well Court's two modern 3 three storey blocks of flats ( 1 to 12 and 13 to 24) and their associated parking area. There is a grass verge and associated planting along the boundary.

A third smaller block (nos 25 to 30) abuts the St Johns Well Lane- St John's Well Court right angled bend. This block appears to occupy the bottom parts of the former rear gardens of nos 318, 320a and 322 High Street through 'part plot amalgamation'. There are a row of older cottages to the immediate north of the bend opposite nos 25 to 30.

Nos 25 to 30 are adjacent to a gable roof garage/parking area within the bottom of the rear garden of no. 326 High Street. This parking facility is served by an elongated roadway/track which is located between the residential curtilages of nos 326 and 328 and is linked to the High Street. The long established track (owned by no. 328) also provides vehicular access to the rear of no. 328 featuring a gate to the bottom of its fenced garden. The roadway has no vehicular link to St John's Well Court, however there is pedestrian access and it is understood that this has been used by the public for many years.

No. 328 is served by parking in its front garden with the access approved in 1966. Plans for the erection of a garage to the rear of 328 were approved in 1961.

The bottom of no.330's rear garden incorporates a greenhouse, pond and play area adjoining the rear shed at no. 328.

### **Proposal**

This is for the erection of a 3 bedroom gable roof two storey detached 'coach house' style dwellinghouse located at the north eastern end of no. 328's rear garden, adjoining St John's Well Court, set back from its fenced boundary. The building will be of brick construction, feature a slate roof, tile hanging and timber windows. There will be an associated basement. The intention is to provide 'a lifetime home'.

No. 328's curtilage will be 'roughly' equally subdivided, creating two commensurate rear gardens for the existing dwelling and the proposed new unit. The respective gardens will be physically separated by the single garage for the proposed dwelling. The garage will be linked to the adjoining roadway which will also serve two parking spaces for the new dwelling. These spaces will be positioned between the front of the house and St John's Well Court in a tandem arrangement. The roadway will be resurfaced, widened and provided with a passing bay, a soakaway and lighting. The existing frontage parking at no. 328 will be retained for this dwelling.

### **Recent Site Planning History**

Following the submission of a pre application request the LPA received Application 4/02023/11. This was withdrawn in order to further consider a range of issues raised by technical consultees, the Town Council and the local community.

### **Pre Application Community Consultation: Agent's Summary**

Prior to submission of Application 4/02023/11 the applicants consulted locally in October 2011.

The applicants wrote to residents at nos. 320, 322, 324,326, 330, 332, 334, 336, 338, and the Chair of the two residents associations for the flats 1 – 30 St John's Well Court.

Letters were sent inviting neighbours to view the plans and a repeat invitation was sent in August 2012 to the Berkhamsted Citizens Association, the Chair of the St John's Well Court Residents Association and neighbours at 300 and 326 High Street.

Of approximately 39 households consulted, one objection was received, in addition to that received by the LPA from no. 330 during the processing of the withdrawn application. According to the Agent the neighbour at No 326 fully supports the application.

### **Referral to Committee**

The application is referred to the Development Control Committee as the recommendation is contrary to the views of the Town Council.

## **Policies**

### National Policy Guidance

National Planning Policy Framework  
Circular 11/95

### Dacorum Borough Local Plan

Policies 1, 9, 11, 13, 14, 16, 17, 18, 49, 51, 53, 54, 58, 61, 63, 96, 99, 113, 118,  
120, 121, 122 and 124  
Appendices 1, 3, 5, and 8

### Pre –Submission Core Strategy

CS1, CS4, CS8, CS9, CS10, CS11, CS12, S13, CS17, CS27, CS28, CS29, CS31, CS32 and  
CS35

### Supplementary Planning Guidance

Environmental Guidelines  
Conservation Area Character Appraisal and Policy Statement for Berkhamsted  
Environmental Guidelines  
Accessibility Zones for the Application of Parking Standards  
Water Efficiency and Sustainable Drainage  
Advice Note on Achieving Sustainable Development through Sustainability Statements

Note: The Conservation Area Appraisal proposes the extension of the Conservation Area to include land to the rear of the High Street (Extension 1) and the dwellings in the High Street to be locally listed. Nos 320 to 328 are subject to an Article 4 Direction for alterations.

## **Representations**

### Berkhamsted Town Council

It was **RESOLVED** to suspend Standing Orders to allow the applicant, to speak for the planning proposal.

This revised scheme has taken into account comments made on the previous application.

The application is not setting a precedent as this has already been set by a block of flats to the rear of the site. The design is for a Coach House, to complement the existing Victorian Villa, cannot be seen from the road and will be sited on an existing concrete hard standing.

The length of the existing garden means there will be no loss of amenity. The building will not adversely affect the amenity of neighbouring properties, will be screened by fencing and planting and the proposal is also to improve vehicular access onto the High Street.

The meeting was reconvened.

It was **RESOLVED** to **Object**. The proposal would have:

- an adverse impact the character of the Conservation Area, of which garden space is an important feature,
- on the amenity of the neighbouring property 330 High Street, and



- and set an unwelcome precedent for further back land development, contrary to Local Plan Policies 11 and 120.

## Strategic Planning

### *Context:*

The DBLP and the Core Strategy policies seek to encourage a high standard of design that is sensitive to local character and the Conservation Area and that safeguards the amenities of residents. Advice should be sought from the Conservation & Design Team.

### *Preamble: Advice to Applicant regarding withdrawn Application 4/ 02023/11*

There is a need to satisfactorily address concerns about the relationship of the proposed dwelling to existing properties on the High Street and St John's Well Court. The LPA has to be satisfied that the scheme does not lead to an unattractive and isolated form of development to the rear of the High Street.

### *Proposal:*

The revised scheme is an improvement upon the previous scheme in several respects:

1. It appears more spacious. The reduction in the size of the dwelling, its slight repositioning within the plot to secure additional space at its boundary and a larger rear garden area, and the removal of one of the parking spaces all make for a less cramped layout.

2. The access drive has been modified to include a passing bay, which goes some way towards addressing potential conflicts with the neighbour's access to their garage and with pedestrians.

### 3. Other Comments

Acknowledge the building would present a more attractive feature than the existing outbuildings fronting St John's Well Court, and its design has been developed in consultation with the Conservation and Design Team.

Note the Development Management Team's view that the proposed dwelling would form a continuation of the frontage to St John's Well Court established by the apartment block on the corner of St John's Well Lane. This view will need to be clearly developed through the design, layout, access, boundary treatment and landscaping of the scheme.

The revised scheme is an improvement upon the original scheme in that the building is positioned closer to St John's Well Court which serves to better reinforce this frontage. It would also appear that there is pedestrian access to the rear of the proposed property.

### 4. Other Questions

Is it possible to further strengthen the contribution the proposal makes to the frontage of the court yard to St John's Well Court?

Is it possible to establish the northern elevation as the principal elevation to the property?

Can the garage and parking be repositioned to the south of the plot and the building 'fits' with the building line established by the corner apartment block?

Overall, the current scheme is an improvement over the earlier scheme, but there will be a need to carefully assess the design and layout of the proposal, particularly in relation to the St Johns Well Court frontage.

## Conservation and Design

No 328 along with the rest of the buildings in this elegant terrace, are all subject to an Article 4 Direction.

The scheme seeks to construct a building in the rear garden with parking spaces and

garage.

The Planning (Listed Building & Conservation Areas) Act 1990 requires special regard to the desirability of preserving the setting of a listed building and also special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Under DBLP 11 (Quality of Development) a high standard is expected in all development proposals. Development will not be permitted unless it is appropriate in terms of: layout; site coverage; design; scale; bulk; height; materials and landscaping. On the site itself, in relation to adjoining property and in the context of longer views: it respects the townscape, density and general character of the area in which it is set; it avoids harm to the surrounding neighbourhood and adjoining properties through, for example, visual intrusion; it retains, does not adversely affect and where appropriate enhances important landscape, natural, ecological, historical or architectural features.

Under DBLP 120 (Developments in Conservation Areas) new developments or alterations or extensions to existing buildings will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area. Development proposals outside a conservation area which affect its character and setting will be considered likewise.

Each scheme will be expected to:

- (ii)** Respect established building lines, layouts and patterns. In particular, infilling proposals will be carefully controlled;
- (iii)** Use materials and adopt design details which are traditional to the area and complement its character;
- (iv)** Be of a scale and proportion which is sympathetic to the scale, form, height and overall character of the surrounding area;
- (v)** In the case of alterations and extensions, be complementary and sympathetic to the established character of the building to be altered or extended; and
- (vi)** Conform with any design guides for conservation area prepared by the Council

This application started off as an informal enquiry regarding a building in the rear garden to No 328 and this represents the latest version of the scheme.

The concerns are that the garden to the main house has been overly reduced. To alleviate this it is suggested that the garage is removed from the scheme and the boundary fixed on the other side of the three trees within the garden.

It is also noted that the building has no chimney stack and this should be added. The building is compact and has aimed, as directed, to appear as a subsidiary building to the main house which it is felt it has achieved in the main.

The materials and detailing will play an extremely important role in this application and should be sensitively followed through to reflect or compliment the main building. All details of material will be required to be supplied either where appropriate in 1:20 plan form (i.e. windows, which will require to be timber), brick bond and mortar colour, bricks, tiles and barge-board details which should reflect the main house, lintels and timber doors and detailing. The rooflight to be conservation type metal with central glazing bar and should also include details of any hard landscaping.

#### Building Control

Based upon pre application advice there is no objection. This is in the knowledge that the fire access will be from St John's Well Court.

## Hertfordshire Highways

Does not wish to restrict the grant of permission subject to conditions.

This is an amended application following withdrawn Application 4/02023/11/FUL. Consideration of the submitted Design and Access Statement and the associated confirms that the applicant has taken into account the previous highway comments regarding widening and resurfacing the private access drive. The Highway Authority welcomes this. It follows that the previous highway comments and conditions including storage of materials off the highway are still pertinent to this amended application and should be considered by the LPA when determining this latest planning application.

### *Advice for Withdrawn Application:*

Does not wish to restrict the grant of permission.

The proposal seeks to erect a three bed detached dwelling and provide associated parking to the rear of 328 High Street. Three parking spaces for the existing four bed dwelling will be retained, whilst two parking spaces (plus the garage) will be provided for the proposed dwelling. The established dropped kerb vehicular access off the High Street currently serves the garage to the rear of 326 High Street will be utilised to serve the new dwelling.

From a site visit, it is apparent that the existing access is used by pedestrians walking between the High Street and private road, St John's Well Court. As the proposal is likely to increase the number of vehicle trips along this access, there are concerns that there will be an increased potential for vehicle and pedestrian conflict.

The safety implications of this shared access for drivers and pedestrians must therefore be considered. Drawing number 211 Rev C also shows a tight turning area for the two proposed spaces, of which would require several manoeuvres.

Given that the site is located along the High Street in close proximity to local shops, bus and rail services a car free development as suggested by the planner at Dacorum Borough Council would be preferable as it would reduce the risk of further vehicle pedestrian conflict. It is also understood that refuse and emergency vehicle access is likely to operate from St John's Well Court, although this should be confirmed with the relevant bodies for their advice and requirements.

The submitted red boundary line drawing indicates that the access is within the applicant's area of ownership and so the pedestrian access from St John's Well Court could be closed up as an alternative. HCC Highways is however aware that the public may claim rights to this access as a Public Right of Way although it is not formally dedicated as such, and so this option may not be feasible.

If vehicle access is permitted, the existing shared access would need to be widened to a minimum of 2.75m in accordance with guidance in Roads in Hertfordshire and resurfaced in a different colour or texture (or both) from that of adjoining roads to distinguish the shared surface.

It is also recommended that a passing bay is provided together with a condition relating to surfacing and surface water, together with an informative relating to the storage of materials.

## Trees and Woodlands

Comments awaited.

There was no objection to the previously withdrawn application.

#### Scientific Officer

The land previously featured a nursery and watercress beds. Consequently there may be land contamination issues associated with this site. Therefore the imposition of the standard contamination condition is recommended.

#### Hertfordshire County Council :Archaeology

The advice is based on the National Planning Policy Framework. The site is within an Area of Archaeological Significance No 21. This notes that the area contains a number of important prehistoric, Roman and medieval sites.

Several areas of significant medieval occupation and industrial activity, recorded on the Hertfordshire Historic Environment Record have been identified from the area around the development site. An archaeological field evaluation involving a single trial trench was carried out in June 2012. This identified a linear feature, likely to be a property boundary. The fill of this feature contained a number of sherds of Herts greyware pottery of 11<sup>th</sup> or 12<sup>th</sup> century date, dating the feature to the early post-Conquest period .

Due to the proposal's position and details it is likely to have an impact on significant necessary to protect the archaeological interest of the site. Therefore an archaeological condition is recommended.

#### Hertfordshire Biological Records Centre

This relates to advice upon the Implications for Great Crested Newts.

To refuse this on ecological grounds would require the development to have a major detrimental impact upon the local population - which is hardly significant in relative terms if they already have to fend-off goldfish predators in a garden pond. Even if they were there - they could be moved - but then its not directly affecting the neighbouring land, but land over which there is no management control over anyway - which would therefore also affect the quality of GCN habitat.

In any event there are certainly ways to avoid impacting upon newts during the course of any development. The LPA could ensure precautionary action to be taken to avoid harming individuals. It would be very hard to demonstrate how such a development would be unacceptable in newt terrestrial habitat terms. This is back garden in an very urban situation where a only small number of GCN *may* be present.

If GCN are claimed to be present -its not unreasonable for the LPA to see evidence to substantiate those claims given HRBC do not have any such records in the area other than Berkhamsted Castle.

Bats are a bit different - HRBC may consider these very mobile species to be reasonably likely to be present in a given situation even if a neighbour were to claim they were; without sufficient / any evidence, we wouldn't usually make the same judgements re GCN, otherwise we would be doing the same for every garden pond within possibly 500m of any application - which is wholly unreasonable.

GCN can't be surveyed now anyway given the time of year; however a GCN Habitat Suitability Index survey could be undertaken, but as the pond is not going to be directly affected and as there is no other evidence, is this a reasonable request to make of a developer? HRBC understand there is concern about the development but HRBC cannot t see how, in this

situation, it could ever be considered to provide sufficient reason to refuse an application on ecological grounds, or even contribute to a refusal if reasonable means can be taken to avoid harm.

Essentially there are procedures by which such a development could take place which would take full account of any GCN legislation as a European Protected Species - including undertaking works under a license if necessary. The LPA, in determining any application, should ensure that if reasonably necessary (and that would need to be demonstrated) such measures are taken.

Whilst the LPA must take due regard of Protects Species legislation, it should also seek to implement its planning function and obligations in a reasonable manner - including biodiversity. However the legislation is not there to prevent development although it rightly may need to in certain situations - it is about ensuring that populations of protected species are given due consideration and protection, and where this impacts upon the planning system, appropriate procedures are followed where both necessary and reasonable. HRBC see no reason why this could not be achieved on this site if the LPA is minded to approve an application.

#### Hertfordshire Constabulary: Crime Prevention / Architectural Liaison Officer

Unable to comment from a planning or overlooking perspective. However confirm the following: The new house could improve the security at the bottom of the garden area with increased surveillance.

The possible downside is that it can give legitimate access to the rear of properties. It is not totally clear from plans and maps how access is gained to the canal etc. via this pathway.

There is still traffic movement down the pathway to the garage at the rear of 326.

If there is an egress from the pathway there is still a need to cross St John's Well Court which could be more dangerous.

There is a possibility of altering the patio to the other side of the property and have small "pebble" type windows from the lounge and living room, the window from the shower should not be a problem assumed to be 1.8 metre close boarded timber fencing so to increase the height could add 300mm trellis.

Any new fencing to be 1.8 close boarded timber fencing topped with 300mm trellis.

Could have additional planting and shrubs.

It is not clear whether the new development is to be built to SBD standards.

#### Environment Agency

No concerns with the proposed cellar. This site is located in Flood Zone 1.

#### Thames Water

##### *Waste Comments*

No objection

##### *Surface Water Drainage*

It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. 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.

Veolia Water Company

No response.

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

3 objections:

1).330 High Street

Please Note: In addition to the main letter there has been associated correspondence addressing :

- An accident nearby at the High Street junction with St Johns Well Road, and
- Criticism of the consideration of the application at the same time suggesting the local listing of no.330 High Street with the resultant implications and the fundamental questioning how matters being handled

( 'A positive decision for any possible building would be a contradiction to Dacorum's policy on conservation and Dacorum Council appear to be seriously considering a planning application to build a grotesque property in the garden of my neighbour at 328 High Street' .

'So either the council are going through the motions before deciding against any possible development at 328 High Street, or there are no internal communication between departments at Dacorum Council. I do hope it's the former.

I can't change the colour of my door without approval but risk having the quality of my family's life dramatically reduced, should this planning application not be completely dismissed out of hand. Not quite sure if the term 'Conservation Area' is truly understood').

- Main Letter

We are strongly opposed to the revised application to build a detached dwelling and garage in the rear garden of 328 High Street, Berkhamsted.

The plans have not changed a great deal from the original application and still represent an overly sized and grotesque design that will neither compliment or enhances the current area. To 'green light' this project would be an active encouragement to make this 'Conservation Area' into a high density residential development, forever changing the character and appeal of the neighbourhood. The detrimental effects would be irreversible and make a mockery of a so called heritage site and a place of historical interest.

A construction of this magnitude would have such a negative effect on the quality of my life and that of my family, with one neighbour becoming two overnight. The top of the garden is overlooked by the current property, with the proposed construction dramatically obscuring the natural light and privacy to a garden that provides a relatively private and safe haven to my family. Construction so close to the boundary would also have a major effect to the pond in our garden that provides a safe mating area for Great Crested newts, frogs and goldfish. This would almost certainly make the garden unusable for any private activity.

The increased residential density caused by this construction would legitimize an untold increase in human and vehicular traffic to this area.

Whilst reading through the local 'Neighbourhood Watch pamphlet posted through my door by our neighbours at 328 High Street, it suggested ways to deal with Local and National cuts. In a town where it is deemed acceptable to turn off street lights at night, thus compromising peoples safety, combined with the Government spending cuts to policing, this increase in traffic and legitimacy of movement of the less desirable members of our population fills with me with fear for the safety of my family and loved ones.

The path which divides 326 and 328 High Street provides a relatively safe conduit for my family and others to the canal, and the Canal Fields children's playground. Although it has been discovered that the path is privately owned, there has never been a challenge made to peoples right of way.

To remove this pathway would have major safety issues. The change of use or this land to form an access road would make the path outside my house extremely dangerous with cars crossing at any time of day or night over a public footpath. I do not look forward to when the first casualty occurs, and the effect that will have on our neighbourhood.

The more cynical among us would see this as a way to 'garden grab' for profit though tandem development. By their own admission the applicants intend to sell their current property and move into the proposed dwelling. Not only would a tidy profit be made through the sale of their current property, but no Stamp Duty would be paid on the new construction. All this profit would be made at the expense of other peoples quality of life, and would remove much needed funds from the Government's coffers, both local and national.

In conclusion, as was in our previous objection, our main concerns are that a dwelling of such grotesquely large proportions will ultimately result in a total lack of privacy for my family, a dramatic loss of natural light, and reduced safety and security of my loved ones. This proposed building would be the beginning of potential high density residential area, where the detrimental effects could never be reversed, at the expense of the quality of our lives and that of others.

Important Note: There has been subsequent correspondence regarding the implications of a significant accident at the St John's Well Road- High Street junction.

## 2). *Local Resident : Address Not Specified*

We are writing to oppose the application to build a detached dwelling and garage in the rear garden of No. 328 High Street, Berkhamsted.

This row of Victorian houses is in a historical conservation area, and this development would severely change the character and appeal of it.

These houses are in high demand as family houses, not only because of the size of the houses but especially because of the secluded gardens at their rear where children can safely play, keeping them out of danger from the roads.

The path dividing nos. 326 and 328 has been used by us, and others, as if it were a right of way for over 20 years (the time we've been living here), and would be made more difficult for pedestrians with increased vehicular use than at present. We have only ever seen one car (belonging to no.326) using it, on an extremely irregular basis.

## 3). *No.334*

I would like to register my objection to this planning application.

I am not familiar with the planning process but given the nature of the application and as a nearby resident I am dissatisfied that I have only heard of this new application (as distinct from a previous application that was made and subsequently withdrawn in 2011 that I was aware of) by word of mouth.

I have spent a long time searching the website for details of the planning application and have finally found the relevant information after being given the planning reference (a search by address was not returning any results).

My initial impression is that given the various planning control notices that have been issued to many residents in the central Berkhamsted area I am surprised that an application such as this can be given any consideration given the irreversible impact it would have within the Berkhamsted Conservation Area and on the walkway between 326 and 328 High Street that is used as a safe passage for local residents, including those with children and those walking their pets.

As such the planning application leaves me confused as to the purpose of conservation areas and the ability of an individual to transform a neighbourhood in such an undesirable way.

## **Considerations**

### Policy and Principle

The site is located within the urban area of Berkhamsted wherein the principle of residential development is acceptable.

Due to the land's Conservation Area status it is a requirement for new developments under DBLP Policy 120 to be 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 including:

- (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.

Core Strategy Policy 27 ( Quality of the Historic Environment ) reinforces this approach. Both policies are consistent with the NPPF.

### Design /Layout/Character and Appearance of the Conservation Area Landscaping

The dwelling has been designed to create a building which is visually subservient to the main house due to its 'coach house' appearance, forming a complementary feature. The 'coach house ' approach has been very strongly encouraged by the Conservation & Design Team to respect the existing historic/ heritage context in a retro Victorian style/ scale, served by the access roadway.

The building's set back from its fenced boundary and planting will subdue its visual impact from St Johns's Well Court. As well as the dwelling's expected relatively discreet presence in relation to St John's Well Court it will be sufficiently separated from the existing house to



ensure that the development does not 'visually compete' with no.326 or the adjoining houses in the High Street. In this respect the building complements the historic context at the existing edge of the Conservation Area.

By introducing a high quality design this markedly contrasts with the harsh and uninspiring impact of the existing garage at no. 326, the associated concrete parking area and parked vehicles. These features brutalise the existing edge of the Conservation Area and directly harm its character and appearance, forming a very poor visual transition with the modern flats and their setting.

The building's retro Victorian design will forge at least some link between the gardens of historic High Street and the somewhat isolated nearby older cottages. This also takes into account the proposed extension of the Conservation Area within the immediate vicinity which will provide greater cohesion. Moreover, the dwelling's location will respect the new building line road frontage established by the flats at nos 25 to 30, which forms a 'modern tier' of development in conjunction with the garage at no.326. This is albeit that the dwellinghouse will be slightly isolated, but representing a refreshing alternative to no.326's garage. Also a positive precedent would be set for a similar form/scale of development between the flats at nos 25 to 30 and the proposal, consolidating the role of the retro high quality buildings along the St Johns Well Court road frontage at this transitional point which lacks positive identity.

In association with this, the existing plot's subdivision will also respect the historical layout of the dwellings in the High Street by maintaining the linear arrangement with the coach house formed entirely within no.328's garden. From a general perspective this contrasts with the effects of plot amalgamation where parts of gardens are combined to create a developable area of land which can often conflict with a prevailing and long established layout. This is what has happened at nearby nos 25 to 30 St John's Well Court. It is concluded that in overall terms the development will enhance the existing Conservation Area's character and appearance.

However, for clarification one of the criticisms of the earlier withdrawn proposal was the position of a detached single garage between the proposed dwellinghouse and St John's Well Court, diluting the positive effect of the dwelling itself. Similarly the Conservation & Design Team is critical of the impact of the currently proposed garage between the two gardens. The garage proposed does confuse the intended 'historical' differentiation/ distinction between the existing house and its subordinate 'coachhouse'. Also the new dwelling is provided with parking.

Despite these negative implications they have to be pragmatically weighed against the possible effect that poorly designed Class E outbuildings (within the existing and proposed gardens) could have and that the garage in itself is of modest size and quality design. In this context the garage will have a neutral effect upon the character and appearance of the Conservation Area. It will be important therefore that 'permitted development' rights are withdrawn for Class E buildings at the new dwelling and at no.328.

In conclusion the development will accord with DBLP Policy 120. For clarification it is not considered that the proposal is tandem development as the site has a frontage to a highway, with pedestrian access from St John's Well Court. There are no arboricultural objections.

#### Impact upon Residential Amenity: Nos 330 and 328

It is acknowledged that there is a fundamental objection from no. 330. Based upon the relationship of the proposed dwellinghouse and its associated garden with no. 330 there would not be a case to refuse the application. This is with due regard to privacy, physical impact, the use/receipt of light to the garden, noise and disturbance and the expectations of DBLP Policy 11 and Appendix 3.

Fundamentally the level of separation between the rear elevation of the proposed

dwellinghouse and the rear elevations of nos 328 and 330 is shown by the submitted block plan to be over 30m. Appendix 3 expects a minimum of 23 m separation to ensure privacy. This distance may be increased if there is difference in levels however, at over 30 m it is considered the separation is sufficient. In this respect there is no objection with regard to the relationship between the dwelling and both existing dwellings.

There will be no significant adverse effect upon any other dwellings.

#### Highway Safety ( Vehicle/ Pedestrian), Traffic Generation, Access and Parking

Hertfordshire County Council Highways has raised no overarching objections, notwithstanding the concerns expressed regarding vehicular- pedestrian conflicts in the 'shared use' of the roadway between nos 326 and 328.

HCC's advice has taken into account:

- The use of the roadway to serve the new house the existing house and no.326.
- Highway safety in terms of the use the roadway access adjoining that serving no.328's front parking area. Note: there will be a need to remove part of the boundary fence to improve visibility.
- The potential conflicts between vehicles and members of the public using the roadway between nos 326 and 328. This is with due regard to the lack of a footpath along St John's Well Lane and the LPA's recent permission for the retail development by the former Post Office site.
- The location and parking available for the existing and proposed dwellings.
- The upgrading of the existing aforementioned roadway for day and night time use.
- The parking for the new house will provide vehicular access for persons with disabilities.

It also needs to be considered that:

- Fire Access and Refuse Collection. This will be from St John's Well Court.
- Based upon discussions with the HCC Highways representative this application's original advice has not changed with due regard to the implications of the recent accident at the High Street – St John's Well Lane junction, as highlighted by the owner of no.330.
- Access for Persons with Disabilities. The upgrading of the roadway will enable wheelchair / disabled / mobility scooter access from the High Street. The dwelling's parking area can accommodate disabled parking.
- The building will need to be 'disability compliant' for access and internally. With a lifetime home a person with limited mobility could reside on the ground floor.
- Sustainable Location. This is an excellent sustainable location in relating to the town centre/ local facilities and bus and rail links with no need for 'car dependency'. Importantly the Case Officer has expressed to the agent in discussions that this is a development site which could be supported without any parking. If the access road was upgraded this would enable access for persons with disabilities with scooter mobility rather than cars, in the knowledge that all visitors will be able to park in the local car park and walk to the dwelling. In conjunction with this there was a previous suggestion that a pedestrian access / wheelchair/ disabled mobility scooter access could be provided at the site to enable a such link to the adjoining back gardens reinforcing the 'car free' approach and associated opportunities for possible future'subdivision'.The proposed layout precludes this footpath link but there is scope to achieve this and this is addressed by a recommended condition.

#### Ecological Implications/ Biodiversity

Hertfordshire Biological Records Centre confirm there are no objections due to the effect upon Great Crested Newts.

#### Flooding/ Drainage

The principle is acceptable in this Flood Zone 1. The Environment Agency raise no objection to the provision of the basement. Surface water will be addressed by a soakaway system. Permeable surfaces are proposed for the car parking and roadway.

The foul drainage will be by connection to the existing main sewer.

#### Contamination

A standard contamination condition is necessary.

#### Crime Prevention/Security

Hertfordshire Constabulary's Crime Prevention Officer has comprehensively examined the crime prevention and security issues. There are both positives and negative comments. These include both increased security and greater vulnerability. However, fundamentally the CPO has not recommended refusal. For clarification the CPO has carried out a detailed site visit with the Case Officer, involving meetings with the applicant and neighbour at no.330.

#### Approach to Sustainable Construction

The design has sought to take advantage of the North – South axis/ orientation. There has been an associated 'C Plan' submission, complemented by associated supporting documentation.

#### Archaeological Implications

The necessary initial archaeological investigation has been carried out and completed. A standard archaeological condition is recommended.

#### Exterior Lighting

A condition is recommended with due regard to improving the lighting along the roadway for all users and ensuring that in this creatively isolated location in the Conservation Area there is not light pollution.

#### Planning Obligation

Based upon the legal tests for planning obligations, the Dacorum SPD for Planning Obligations, HCC Toolkit, site conditions and the responses of the relevant technical consultees, the following financial contributions are necessary:

- Financial Contributions

Outdoor Pitches	£ 647
Cycles	£213
First and Middle Schools	£3323
Child Play	£1600
Natural Green Space	£25
Library Facilities	£198
Travel Smart	£25
Libraries	£198

#### **Conclusions**

The proposal is very controversial locally due to the Town Council's objection and the objections expressed by the neighbour at 330. These objections need to be weighed against the considerations above and the applicant's wide consultation with the local community.

It is acknowledged that there are a raft of reasons why the Town Council and objecting neighbours consider the scheme to be totally unacceptable. Officers maintain there is no objection in principle to the dwelling/subdivision of the curtilage of no.328.

It is not considered that a case could be substantiated to refuse the proposal resulting from the harm to the Conservation Area due to the effect of the garage or the highway safety implications, especially given HCC Highways overview.

#### RECOMMENDATION:

1. That the application be **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a planning obligation under s106 of the Town and Country Planning Act 1990.

2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

- Financial Contributions

Outdoor Pitches	£ 647
Cycles	£213
First and Middle Schools	£3323
Child Play	£1600
Natural Green Space	£25
Library Facilities	£198
Travel Smart	£25
Libraries	£198

#### Suggested 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 commence until details of the external materials to be used in the construction of the development hereby permitted are submitted to and approved in writing by the local planning authority. The details shall include natural slates, bricks, brick bonding, mortar colour bond, a conservation type roof light, timber doors and windows, timber barge boards, black painted metal gutters and down pipes. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of the Conservation Area.

- 3 **Before the occupation of the dwellinghouse hereby permitted the whole length of the access road shown by Drawing No. 242 Rev C shall be upgraded fully in accordance with details submitted to and approved in writing by the local planning authority. Once installed the roadway and associated parking bay**

**shall be retained and available for use at all times. The submitted details shall include constructional details/ design, precise form of the passing bay, the use of permeable materials and exterior lighting.**

Reason:In the interests of pedestrian and vehicular safety, the safety for persons with disabilities, sustainable drainage and crime prevention.

- 4 **The existing dwellinghouse shall at all times be served with the existing frontage parking and before the occupation of the dwellinghouse hereby permitted the fence between the existing front parking area serving no.328 High Street and the adjoining roadway shall be modified in accordance with details submitted to and approved in writing by the local planning authority. Once provided in accordance with the approved details there shall be no change to the fence, no planting along this section of boundary or any physical obstruction to driver- pedestrian visibility along this section the roadway, including the provision of a storage facility for refuse bins.**

Reason: In the interests of highway safety and to ensure the adequate provision of off street parking for no.328 High Street.

- 5 **The area between the front of the building and the common boundary with St John's Well Court shall be provided with a strip of land measuring 2m in width which shall be reserved at all times to provide a pedestrian link (including the requirements for persons with disabilities) to the adjoining rear gardens in the event that such pedestrian access is required to serve a housing development in the rear gardens of adjoining dwellinghouses.**

Reason: This strip of land will enable potential future pedestrian access to the adjoining land to carry out a similar form of development in the interests of ensuring that housing can be provided within the urban area of Berkhamsted and in accordance with Policy 10(c) of the Dacorum Local Plan. This is a matter which has been explained during the period of dealing with potential development at the site.

- 6 **Before the first occupation of the dwellinghouse hereby permitted a scheme for fencing shall be submitted to and approved in writing by the local planning authority. The approved fencing shall be installed before the first occupation of the dwellinghouse and thereafter the approved fencing shall be retained at all times.**

Reason: In the interests of residential amenity, visual amenity and crime prevention.

- 7 **The shower, landing and bathroom windows of the dwellinghouse hereby permitted shall be permanently fitted with obscured glass.**

Reason: In the interests of the residential amenity, including no. 330 High Street.

- 8 **Details of any exterior lighting shall be submitted to and approved in writing by the local planning authority. The exterior lighting shall be installed and thereafter retained fully in accordance with the approved details.**

Reason: In the interests of the residential amenity of the locality, highway safety, the local environment, crime prevention/security and energy consumption.

- 9 **Notwithstanding the provisions of the Town and Country Planning (General**

**Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out at the dwellinghouse hereby permitted or at no.328 High Street without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C and E.**

Reason: To enable the local planning authority to retain control over changes in the interests of the character and appearance of the Conservation Area, to safeguard the residential amenity of no. 330 High Street and to ensure that should the adjoining land at no.326 High Street be subject to a similar application it is not affected by development carried out at the dwellinghouse under permitted development in accordance with Policy 10(c) of the Dacorum Local Plan.

10 **No part of the development hereby permitted 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**
6. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

**B) No development hereby permitted shall commence other than in accordance with the Written Scheme of Investigation approved under requirement (A).**

**C) No development hereby permitted shall commence 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.**

Reason: To safeguard the site archaeology.

11 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

**(a) Site Characterisation**

**An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

- (iv) a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**
  - human health,**
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
  - adjoining land,**
  - groundwaters and surface waters,**
  - ecological systems,**
  - archeological sites and ancient monuments;**
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).**

**This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.**

**(b) Submission of Remediation Scheme**

**A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

**(c) Implementation of Approved Remediation Scheme**

**The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.**

**Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.**

**(d) Reporting of Unexpected Contamination**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.**

**Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

**INFORMATIVE:**

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

- 12 No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years shall have been submitted to and approved in writing by the local planning authority.

**Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority for its approval in writing.**

**This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

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



**Drawing Nos. 1110, 111, 240 Rev C, 241 Rev A, 242 Rev C, 243 Rev A and 244.**

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 reasons, having regard to the policies and proposals in the development plan set out below, national planning policy/guidance, regional planning guidance, to all other material planning considerations, including relevant supplementary planning guidance, the imposition of conditions, the expert advice of the technical consultees, the response from Berkhamsted Town Council and to neighbour notification/ publicity.

The principle of a dwelling at the site is acceptable. The proposal will be located within an existing cluster of somewhat uncoordinated residential development within the vicinity of St John's Well Close. The dwelling's design will be visually subservient to the main house due to its 'coach house appearance' and will introduce a building of high quality appearance which will respect the historic context at the existing edge of the Conservation Area. The building's appearance will contrast with the adjoining utilitarian garage at no.326 and will 'visually coordinate ' with the modern building line established by the flats at nos.25 to 30 St John's Well Court. It will also form an historic link between the High Street and the somewhat isolated nearby older cottages.

In overall terms no.328's subdivision will respect the historical layout of the dwellings in the High Street by maintaining the linear arrangement and creating commensurate residential curtilages. However the one reservation is the effect of the proposed single garage which will dilute the development's impact as observed by the Council's Conservation & Design Team. The applicants have confirmed that they are unable to delete the garage from the scheme. In this context and given that the garage could be constructed as 'permitted development' , the scheme as a whole will maintain the character of the Conservation Area. This albeit that the new dwelling itself is of high design quality.

With due regard to the objections raised by the Town Council and local residents a refusal based upon the effect upon the residential amenity to no. 330 High Street (including its garden) could not be substantiated. This is in terms of physical impact, the receipt of light and privacy. There will be no adverse effect upon other dwellings in the locality.

There are no fundamental highway safety parking/ access, contamination, drainage, crime prevention/ security, ecological, landscaping, sustainable construction, exterior lighting and archaeological objections. A planning obligation is necessary.

NOTE 2:

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

**East of England Plan**

**Decorum Borough Local Plan 1991-2011**

Policies 1, 9, 10, 11, 13, 14, 16, 17, 18, 49, 51, 53, 54, 58, 61, 63, 96, 99, 113, 118, 120, 121, 122 and 124

Appendices 1, 3, 5, and 8

### **Supplementary Planning Guidance**

Environmental Guidelines

Conservation Area Character Appraisal and Policy Statement for Berkhamsted

Environmental Guidelines

Accessibility Zones for the Application of Parking Standards

Water Efficiency and Sustainable Drainage

Advice Note on Achieving Sustainable Development through Sustainability Statements

### **Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012)**

CS1, CS4, CS8, CS9, CS10, CS11, CS12, S13, CS17, CS27, CS28, CS29, CS31, CS32 and CS35

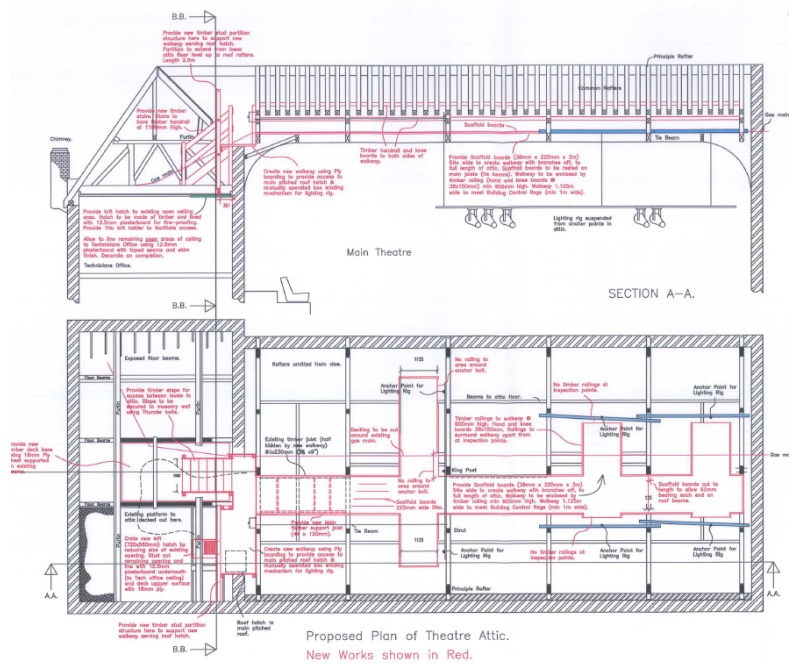
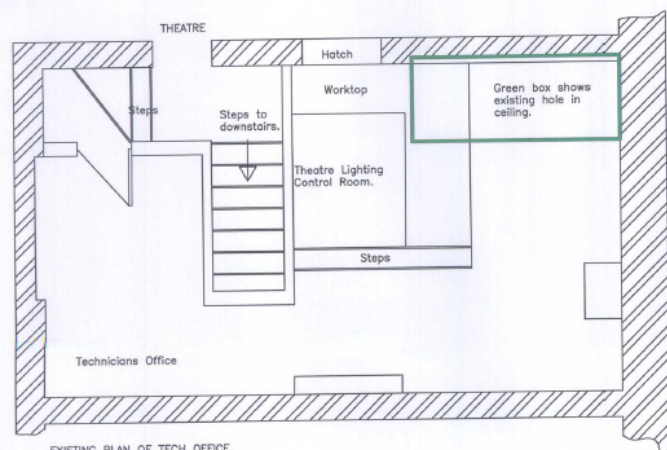
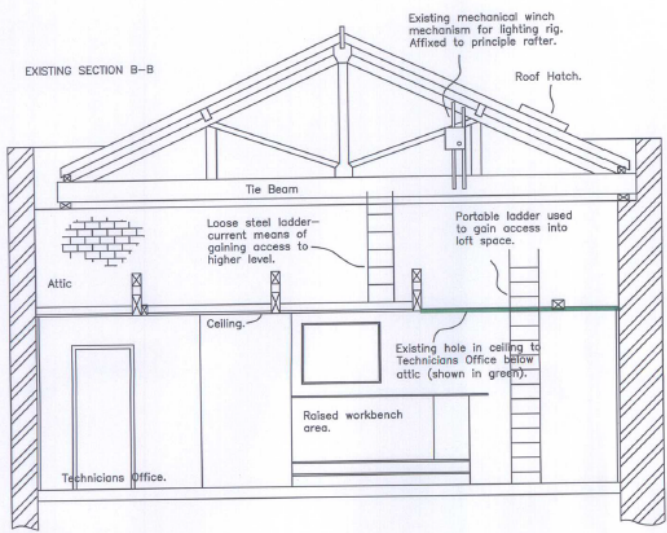
NOTE 3: POSITIVE AND PROACTIVE STATEMENT AS REQUIRED BY THE TOWN AND COUNTRY (DEVELOPMENT MANAGEMENT ORDER) (ENGLAND) (Amendment no.2) Order 2012 – Article 31

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.

**ITEM NO. 5.6**

**4/02046/12/LBC - TO PROVIDE MEANS OF ACCESS TO THE ATTIC OF BUILDING  
OLD TOWN HALL, HIGH STREET, HEMEL HEMPSTEAD, HP1 3AE  
APPLICANT: DACORUM BOROUGH COUNCIL**





**4/02046/12/LBC - TO PROVIDE MEANS OF ACCESS TO THE ATTIC OF BUILDING.  
OLD TOWN HALL, HIGH STREET, HEMEL HEMPSTEAD, HP1 3AE.  
APPLICANT: DACORUM BOROUGH COUNCIL.**

[Case Officer - Richard Butler]

[Grid Ref - TL 05550 07814]

### **Summary**

The application is recommended for approval. The works will not adversely affect the special architectural / historic interest of the building. As such the application complies with Policy 119 of the Dacorum Borough Local Plan, as well as national guidance within the National Planning Policy Framework.

### **Site Description**

The application site comprises The Old Town Hall, a civic building occupying a long, narrow plot on the West side of the High Street of Hemel Hempstead (Old Town).

The building is currently Grade II listed (as of 17th February 1977).

The building was developed in three stages: the earliest (central) part dates from 1852, to a design by George Low RIBA (1824 – 1906), and comprises a ground-floor corn exchange and first floor council chamber, whilst later extensions followed in 1861 and 1868.

### **Proposal**

The application seeks listed building consent for the creation of access to the attic area of the building.

The current access is via a portable ladder sited in the corner of the technician's office. Within this office there are parts of the ceiling open to the attic; the new access shall be provided with a fixed retractable ladder which when stowed shall be within the attic space. The access shall utilise the existing openings in the tech room ceiling; new plaster work shall seal the opening to enclose the tech room and prevent heat loss in the winter months.

Within the attic, timber steps and boarding shall improve internal access within the attic and between the split levels within.

### **Referral to Committee**

The application is referred to the Development Control Committee as the building is owned by Dacorum Borough Council.

### **Planning History**

- |              |  |
|--------------|--|
| 4/01953/01/  | INTERNAL ALTERATIONS COMPRISING THROUGH FLOOR LIFT, STAIR LIFT AND REMOVAL OF STAIRS AT GROUND/FIRST FLOOR LEVEL, DISABLED WC, REPOSITIONING OF BAR/SERVING AREA AND ALTERATIONS TO THEATRE SEATING AT FIRST FLOOR LEVEL |
|              | 06/12/2005   |
| 4/00886/99/4 | ALTERATION TO DOORS<br>Granted<br>05/08/1999   |
| 4/00859/97/4 | ERECTION OF SCULPTURED FRAME FOR SIGNBOARD TO INTERNAL WALL  |

	Granted 06/08/1997
4/01101/93/4	ADDITIONAL LIGHTING TO FRONT ELEVATION Granted 16/11/1993
4/01055/93/4	INSTALLATION OF HANDRAIL TO MAIN STAIRS Granted 01/10/1993
4/00556/93/4	ALTERATIONS TO BOX OFFICE Granted 22/06/1993
4/00207/93/4	INTERNAL ALTERATIONS Granted 29/04/1993
4/00710/92/4	INTERNAL ALTERATIONS Granted 24/09/1992
4/01555/91/4	ILLUMINATED SIGN BOARDS (VARIOUS)  16/04/1992
4/01554/91/4	ILLUMINATED SIGNBOARDS (VARIOUS) Granted 02/07/1992
4/00996/90/4	FORMATION OF ACCESS STAIRS & DOORWAY & INSTALLATION OF SEATING Granted 09/11/1990

## **Policies**

### National Policy Guidance

NPPF

### Dacorum Borough Local Plan

Policies 119

## **Representations**

### Conservation and Design

The Town Hall High Street Hemel Hempstead is a grade II statutory listed building set within a Conservation Area rich in listed buildings representing each grades from II, II\* and including grade I, representing an invaluable collection of both local and national heritage assets.

The scheme seeks to provide a means of access in the loft space.

The Planning (Listed Building & Conservation Areas) Act 1990 requires special regard to the desirability of preserving the setting of a listed building and also special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

DBLP 119 Development affecting Listed Buildings: There is a general presumption in favour of the preservation of listed buildings of special architectural or historic interest. Every effort will be made to ensure that any new development liable to affect the character of an adjacent listed building will be of such a scale and appearance, and will make use of such materials, as will retain the character and setting of the listed building.

Following a site inspection where I noted that the main boarded area is already in place; the rest of the proposed changes will either be reversible and/or will have minimal impact on this historic building – in fact, in many ways this will not only improve safety but also the visual appearance of the area of the building concerned with these works. It should also be noted that these changes will not affect any of the public areas.

I have requested that photographs taken of the areas involved both prior to the work and following completion of the work is to be provided. This should be conditioned.

I therefore propose that this application is supported.

## **Considerations**

### Policy and Principle

The application is primarily required to improve safety for access to the attic areas of the building. The proposed works shall have limited impact on the appearance of the building and do not involve irreversible works to original or important parts of the building.

The works are acceptable in principle.

### Effects on appearance of building

There shall be no external alterations as a result of the works. The historic integrity of the listed building shall not be affected by the development. The Conservation officer has requested for a photographic record to be made of the building prior to the works. This shall be requested by condition.

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

- 1 The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 Prior to works being carried out, and after the works are completed a photographic record of the attic and attic access area are to be recorded and submitted to the Local Planning Authority. These details shall be submitted to the Planning Authority within two months of the works being completed.**

Reason: To ensure accurate record of the Listed building is maintained .

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

**15/01/x33/01**

**15/01/x33/02**

**15/01/x33/06**

**15/01/x33/05**

**15/01/x33/04**

**15/01/x33/03**

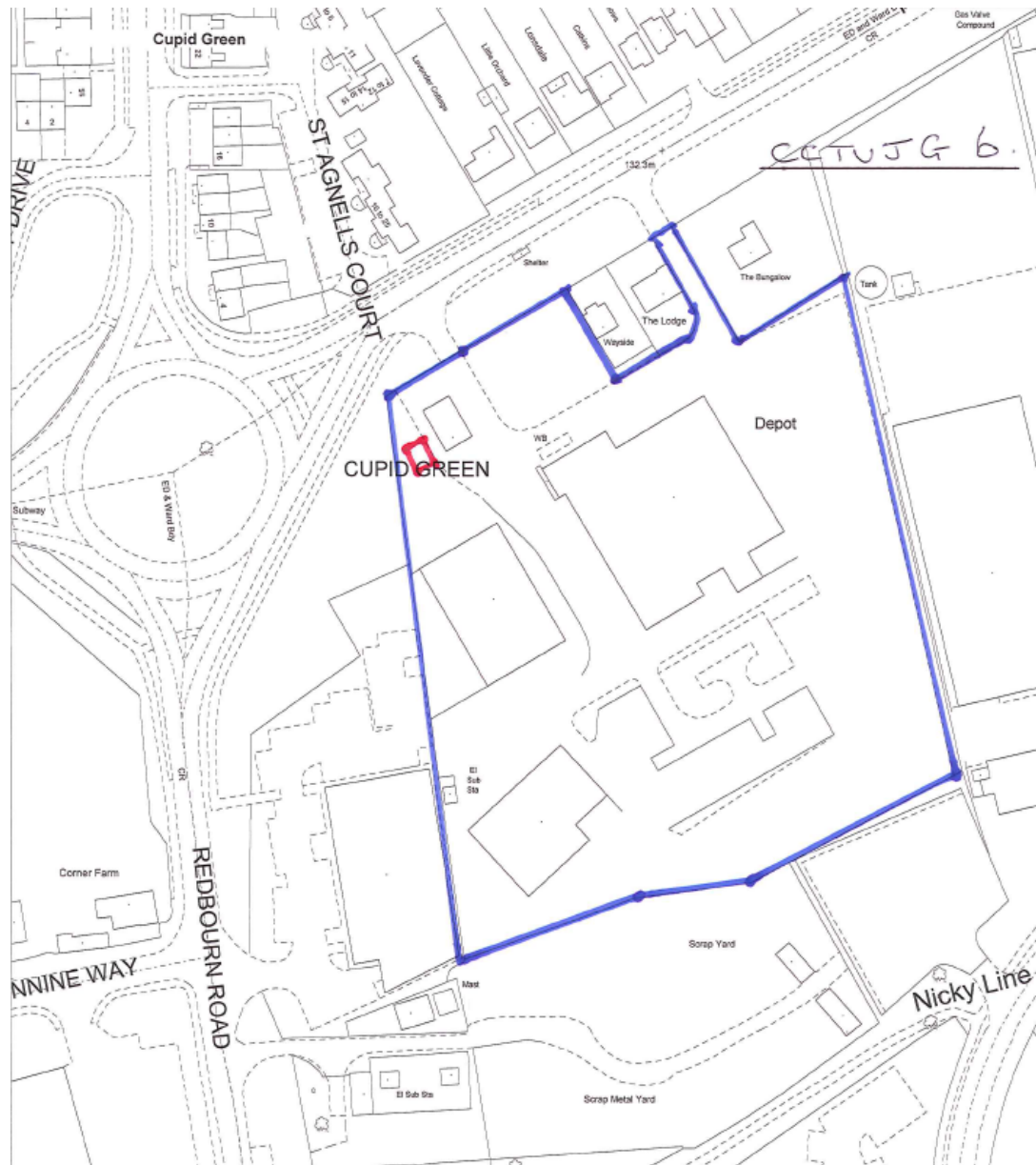
Reason: For the avoidance of doubt and in the interests of proper planning.



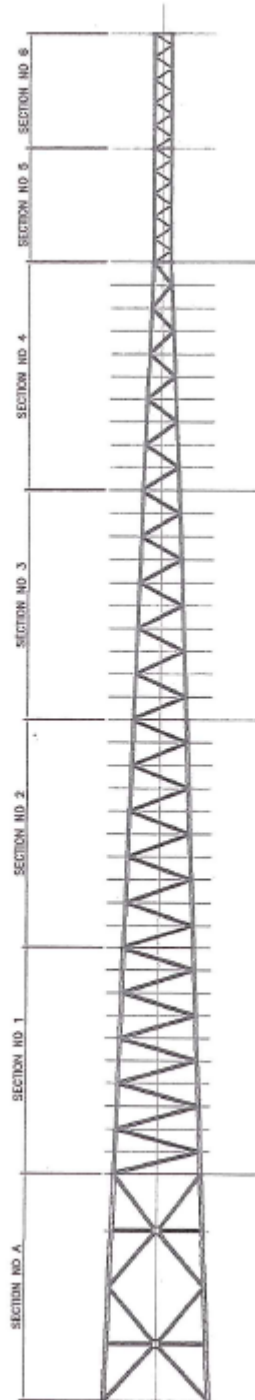
**ITEM NO. 5.7**

**4/02118/12/FUL - COMMUNICATIONS TOWER FOR CCTV SYSTEM.**

**CUPID GREEN DEPOT, REDBOURN ROAD, HEMEL HEMPSTEAD, HP2**



**4/02118/12/FUL - COMMUNICATIONS TOWER FOR CCTV SYSTEM.  
CUPID GREEN DEPOT, REDBOURN ROAD, HEMEL HEMPSTEAD, HP2  
APPLICANT: DACORUM BOROUGH COUNCIL - JIM GUITON**



**4/02118/12/FUL - COMMUNICATIONS TOWER FOR CCTV SYSTEM..  
CUPID GREEN DEPOT, REDBOURN ROAD, HEMEL HEMPSTEAD, HP2.  
APPLICANT: DACORUM BOROUGH COUNCIL - JIM GUITON.**

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[Case Officer - Paul Newton]

[Grid Ref - TL 07188 09156]

## **Summary**

The application is recommended for approval.

The provision of improved telecommunications infrastructure is supported by both National and Local Policy. The provision of effective CCTV systems has become an integral element of public space safety and security, acts as a deterrent and serves to reassure the general public.

The proposed tower by virtue of its height will clearly be prominent particularly in relation to short and middle distance views. However, due to its location within an existing industrial compound and close to industrial buildings, lamp standards and a higher, more substantial tower, it is considered the proposal will not significantly harm the visual amenity of the area. In terms of health, signal interference and consideration of alternatives sites it is considered the proposal meets the requirements of both local and national policy.

## **Site Description**

The application site comprises part of the Councils Cupid Green Depot which is sited on the southern side of Redbourn Road and falls within the Swallowdale Employment Area and the urban area of Hemel Hempstead. The site is situated North of the former MFI warehouse and directly East of the Redbourn Road/Link Road roundabout.

## **Proposal**

Planning permission is sought for the construction of a 36m high steel lattice communications tower which will be used for attaching a new wireless CCTV transmission system. The mast will be constructed on a 4m x 4m concrete base. The tower will be triangular in form and constructed in six sections which reduce in width as the tower rises. The lower section has sides of 2.76m reducing to 0.5m at the top of the tower.

## **Background**

Dacorum Borough Council is seeking to upgrade its CCTV operation and relocate the service from its current location within the Civic Centre to a new building at its Cupid Green depot. CCTV requires its camera images to be transmitted to its monitoring room to enable live pictures to be monitored by the operators and the images recorded for evidence by the courts should it be required.

There are many ways of transmitting video images however for the purposes of live CCTV there are only two that will deliver the requirements needed to ensure the service can operate with speed, and have a recording quality that will meet the requirements of the Data Protection Act.

The two options are,

- Fibre Optic cables
- Wireless IP network

The Council investigated these two options for cost and flexibility of operation.

### Fibre Optic Cables

Although fibre optic cables installed underground would give excellent picture quality for both viewing images and recording, they are costly to install and incur rental payments for each camera line. Every installation of a new camera would require a new line and an additional rental payment. This option for the Council would restrict any expansion of CCTV to other parts of the Borough. This option is also limited to camera images and would not allow us to use the system to monitor help points, transmit two way radios or utilise the network for anything other than CCTV images.

### Wireless IP Network

A wireless network is a system of transmitting and receiving dishes that beam signals from the camera to the Control room. This network would be solely owned by the council and not incur rental payments to a third party. An opportunity to expand the service to cover rural areas with CCTV could be realised.

An IP network can be utilised to send data across large distances, this can be voice or video and will open up opportunities for the Council to introduce new services to the public. This will include help points at neighbourhood shopping centres and controlled door entry systems with monitored CCTV systems.

Following a review of the service and consultation with stakeholders the option to install a wireless network was agreed by Council members. The opportunities and added benefits that the Council can offer the residents of the borough with a wireless IP network far outweighed the benefits of using fibre optic cables.

The proposed mast has been chosen as it will meet the minimum requirements needed to deliver the wireless link and give flexibility to the Control room in delivering community safety to areas not already benefiting this technology.

### **Referral to Committee**

The application is referred to the Development Control Committee as the site is owned by Dacorum Borough Council.

### **Policies**

#### National Policy Guidance

Circular 11/95  
National Planning Policy Framework

#### Dacorum Borough Local Plan 1991-2011

Policies 1,2,11,99, and 126

#### Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012)

Policies CS4, CS10, CS11, CS12, CS13, CS15, CS23,CS25,CS27

### **Representations**

#### Local Residents

None received

## Civil Aviation Authority

Comments awaited

## NATS

Comments Awaited

## **Considerations**

### Policy and Principle

The installation of telecommunications equipment is controlled by central government advice set out in the NPPF and Policy 126 of the Dacorum Borough Local Plan 1991 – 2011. The NPPF is specifically supportive of such infrastructure as it considers high quality communications infrastructure is essential for sustainable economic growth and acknowledges that communication networks play a vital role in enhancing the provision of local community facilities and services.

Although the principle of improved communication networks are supported the key planning issues relate to the visual impact of such proposals, health, relationship with surrounding dwellings, impact in relation to interference on broadcast/telecommunication/air traffic services, impact on the setting of a listed building. In addition both local policy and the NPPF advises that in order to limit the visual intrusion of such structures the sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution in a particular case.

In conjunction with the above national and development plan policies, Policy 11 (DBLP) is the umbrella policy of the development plan which requires high quality in all development proposals.

### Visual Amenity

The telecommunications tower by virtue of its height will certainly be visually prominent, particularly around the St Agnells roundabout area. However, a structure of this height is required in order to provide a clear line of sight to the other proposed transmitter receivers at Leverstock Green and Gadebridge.

The lattice style structure will be constructed on a concrete plinth sited within the depot adjacent to an existing single storey structure. The structure will be particularly visible for short distance views from Redbourn Road around the St Agnells Lane roundabout and from the Link Road. Existing trees and landscaping along the western boundary will soften the impact of the mast certainly in terms of the lower sections. In terms of longer distance street level views the structure would not be particularly prominent due to being obscured/obstructed by street side trees and buildings. In addition the tower will be sited within an industrial compound and very close to a much more substantial 50m tower, west of the scrapyard.

Overall It is therefore considered that the proposal will not be significantly harmful to the visual amenity or character of the area.

### Health

Health is a material consideration to be taken into account and it is for the decision-maker to determine what weight to attach to such considerations in any particular case. The application

is supported by a statement confirming compliance with the international Commission on Non-Ionising Radiation Protection (ICNIRP) RF exposure guidelines as expressed in the European Union Council recommendation on the limitation of exposure of the general public to electromagnetic fields. These guidelines have been set based on the principle of a precautionary approach to the harmful effects of non-ionising radiation. In these circumstances, given lack of compelling evidence to the contrary and advice in the NPPF it is not necessary or appropriate to consider the health and safety aspects of a proposal further if it complies with the ICNIRP guidelines.

#### Effect on Amenity of Neighbours

Although the tower is sited within the Swallowdale employment area residential properties are sited within approximately 50m of the proposed tower.

The closest residential properties, at St Agnells Court, on the opposite side of Redbourn Rd and Wayside, adjacent to the Depot exit, do not face towards the tower and therefore the impact in terms of amenity will be limited.

The proposal would not give rise to any noise disturbance, while the health implications are considered in an earlier section of this report.

#### Technical Interference

All operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the condition of their licence. Operation of the transmitter in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of National Government, who are responsible for the regulation of the civilian radio spectrum. The remit of OFCOM also includes investigation and remedy of any reported significant interference.

The applicants engineers have confirmed the telecommunications infrastructure the subject of this application accords with all relevant legislation and as such will not cause significant and irreparable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.

#### Alternative Sites

To enable a wireless network to work it requires clear line of sight from transmitter to receiver. In order for this to be achieved a communications tower will need to be installed at the new control room located at the Council's Cupid Green Depot.

A structure is required that will allow a clear line of sight to two other existing identified buildings in Leverstock Green and Gadebridge.

The design of the wireless network has taken into account all other towers and buildings across the Borough and suitable sites have been found across Tring, Berkhamsted and Hemel Hempstead. To make use of the Gadebridge/Leverstock Green towers a further high structure is required in the Cupid Green Area. The only existing structure of appropriate height in this area is the existing large telecommunications mast adjacent to the site. Contact has been made with the operators of this mast, however, there are continuing lease negotiations taking place between the owners and leaseholders of the site and the leaseholders have indicated they are unable to discuss the possibility of using the mast until this is resolved - this may be a further 6 months. For this reason the only other alternative was to consider the proposed

application option and construct a purpose built structure. The construction of the tower will also have financial advantages for the Council in the long term by avoiding the need for expensive lease agreements for the siting of the equipment and minimising rental of fibre optic lines which has considerable expense implications.

The Council have no large buildings in this area and there are no blocks of flats or other tall structures that can be utilised to complete the link to the control room. The network would not be possible without this mast.

#### Impact on setting of Listed Building

Corner Farm is a Grade 2 listed building which is sited approximately 130m from the proposed tower. The listed property and grounds have been the subject of significant change in recent years with the redevelopment of part of its curtilage with new barn style dwellings. Due to the distance of the tower to the listed building, that it is partially screened by existing trees and also acknowledging the listed property is sited within a commercial context with industrial/warehouses and a larger scale telecommunication tower in even closer proximity it is considered that the proposal will not significantly harm the setting of the Listed Building.

#### **Conclusion**

The proposed tower will be visibly prominent due to its height, particularly from short and medium distance views. However, taking into account its setting within an industrial area, bounded by trees and close to an existing higher telecommunications structure, it is considered the proposal is acceptable in visual amenity terms. It is considered the proposal will meet the requirements of the NPPF in relation to health, interference and site selection.

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

CCTVJG 1-6

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

#### **NOTE 1:**

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The provision of improved telecommunications infrastructure is supported by both National and Local Policy. CCTV has become an integral element of public space safety and security acts as a deterrent and serves to reassure the general public.

The proposed tower by virtue of its height will clearly be prominent particularly in

relation to short and middle distance views. However, due to its location within an existing industrial compound and close to industrial buildings, lamp standards and a higher, more substantial tower, it is considered the proposal will not significantly harm the visual amenity of the area. In terms of health, signal interference and consideration of alternatives sites it is considered the proposal meets the requirements of both the NPPF and Policies 2, 11 and 126 of the Adopted Dacorum Borough Local Plan 1991-2011.

NOTE 2:

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

Dacorum Borough Local Plan 1991-2011

Policies 1,2,11,99, and 126

**Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012)**

Policies CS4, CS10, CS11, CS12, CS13, CS15, CS23,CS25,CS27

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to further information being provided to justify 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.



## 6. APPEALS

### A. LODGED

- (i) 4/00462/12/LBC Carluccio's Ltd  
Floating timber floor  
The Town Hall, High Street, Berkhamsted  
  
Delegated
- (ii) 4/00195/11/FUL Hollywell Properties  
Redevelopment of car park for seven dwellings  
r/o 121-127 High Street, Berkhamsted  
  
Committee
- (iii) 4/01571/12/ENA Mr McLaughlin  
Appeal against Enforcement Notice – construction of 2  
dwellings  
11 Bank Mill, Berkhamsted  
  
Delegated
- (iv) 4/00857/12/FHA Mr J Howe  
Garage conversion  
15 Birtchnell Close, Berkhamsted  
  
Delegated
- (v) 4/01029/12/FHA Mr T Lloyd-Evans  
Loft conversion with front dormer  
14a Coram Close, Berkhamsted  
  
Delegated
- (vi) 4/01082/12/FHA Mr & Mrs R Conradi  
Single storey side and rear extension (amended scheme)  
47 Chipperfield Road  
Bovingdon  
  
Delegated
- (vii) 4/00762/12/FHA & 4/00763/12/LBC  
Mr & Mrs Peplow  
Single storey rear extension and rooflight  
6 Little Heath Lane, Potten End  
  
Delegated

- (viii) 4/00927/FUL& 4/00928/12/CAC  
Mr and Mrs D & A Eggar  
Demolition of existing single storey building and construction of two storey low energy dwelling with integral garage and garden  
1 Park View Road, Berkhamsted  
  
Committee
- (ix) 4/01580/12/FHA Mr C Dowling  
Loft conversion with roof light and rear dormer  
3 Cowper Road, Berkhamsted  
  
Delegated
- (x) 4/00552/12/MOA Capital Builders Ltd  
89 Sunnyhill Road, Hemel Hempstead  
  
Committee

**B WITHDRAWN**

None

**C FORTHCOMING INQUIRIES**

None

**D FORTHCOMING HEARINGS**

None

**E DISMISSED**

- (i) 4/02174/11/FUL Mr Henry  
Demolition of existing dwelling and construction of 4-bed dwelling  
Woodland View, Rossway, Berkhamsted  
  
Delegated

The Inspector considers the wording of our Policy 23 is inconsistent with the subsequent advice in the NPPF in terms of the size of the existing dwelling which is to be replaced. Nevertheless, the proposed increased in floorspace of the proposed replacement dwelling would result in a building which is significantly and materially larger than the one it would replace, even taking into account other dwellings within this enclave of development in the Green Belt. It is therefore by definition harmful to the Green Belt.

Despite its improved design and materials, due to its overall size the proposed replacement dwelling would also fail to satisfactorily be assimilated into the AONB landscape.

The very special circumstances put forward by the appellant were insufficient to outweigh the harm to the Green Belt and thus the Inspector concluded that very special circumstances do not exist.

**F ALLOWED**

- (i) 4/00061/12/LDP Mr Dunleavy  
Dormer (Certificate of Lawfulness)  
27 Athelstan Road, Hemel Hempstead

Delegated

Inspector did not agree on which elevation constituted the principle elevation.

- (ii) 4/01460/12/FHA Mr M Allingham  
Two storey side extension  
2 Trevelyan Way  
Berkhamsted

Delegated

The inspectorate considered the two storey side extension would not harm to the amenity of the neighbouring property and would not cause harm to the character of the street scene.

**7. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms:

That, under s.100A of the Local Government Act 1972 Schedule 12A Part 1, Paragraph 12 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for the meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to an ongoing enforcement investigation and proposed action by the Council in connection with the investigation into an alleged breach of planning control (Item 8).

(LGA 1972 Schedule 12A Part 1 Paragraph 7 as amended by The Local Government (Access to Information) (Variation) Order 2006