

**4/03674/15/FUL - CHANGE OF USE OF FIRST FLOOR FROM A3 STORAGE TO ANCILLARY STAFF ACCOMMODATION (AMENDED SCHEME).  
296-298 HIGH STREET, BERKHAMSTED, HP4 1AH.  
APPLICANT: Chokdee Ltd.**

---

[Case Officer - Jason Seed]

### **Summary**

This application proposes the change of use from first floor A3 storage to ancillary staff accommodation. It is considered that the proposal positively encourages and supports the town centre economy whilst not adversely impacting upon the host property or the street scene. As such, it is considered to comply with the NPPF and policies contained within the Core Strategy and the Saved policies within the Dacorum Borough Local Plan (DBLP).

### **Site Description**

The application site comprises a two storey detached commercial building which is situated on the northern side of High Street, Berkhamsted. The surrounding area is predominantly commercial with residential uses also evident within the local area.

The application is subject to the following relevant planning designations: Berkhamsted Conservation Area, Area of Archaeological Importance, Town Centre. The subject property is also designated as a Grade II Listed Building.

### **Proposal**

The application proposes the change of use of first floor from A3 storage to staff accommodation. The original application description was for a change of use of first floor storage to C3 although it is considered that this description is incorrect and as such, has been amended with the agreement of the applicant.

It is noted that the ground floor has recently been the subject of a number of planning approvals to facilitate the introduction of a new Thai restaurant, The Giggling Squid. The staff accommodation proposed by this application relates directly to this operation.

### **Referral to Committee**

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

### **Planning History**

4/03636/15/LB VARIOUS REPAIRS, DILAPIDATIONS WORKS AND  
C ALTERATIONS  
Delegated

4/02971/15/AD REPAINTING OF EXISTING SIGNAGE AND CHANGES TO  
V EXISTING SIGNAGE  
Granted  
13/10/2015

4/02978/15/FU CHANGE OF USE OF FIRST FLOOR FROM A3 STORAGE TO C3  
L STAFF ACCOMMODATION  
Withdrawn  
13/10/2015

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

### Adopted Core Strategy

NP1 - Supporting Development

CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy

### Saved Policies of the Dacorum Borough Local Plan (DBLP)

Policy 18 - The Size of New Dwellings  
Policy 19 - Conversions  
Policy 51 - Development and Transport Impacts  
Policy 58- Private Parking Provision  
Policy 119 - Development Affecting Listed Buildings  
Policy 120 - Development in Conservation Areas

Accessibility Zones SPG  
Appendix 5 - Parking

## **Summary of Representations**

Conservation Officer - No objection  
Historic Environment Unit - No objection (subject to conditions)  
Berkhamsted Town Council - The proposed provision of 5 bedrooms, providing accommodation for 8 people with 1 bathroom is cramped. There is concern regarding multiple occupation. There will be an impact on the current storage provision. This is considered to be over-development of the premises. No allowance is made for additional parking. Contrary to CS 12 and Policy 119  
Highway Authority - No objection (subject to conditions)  
Thames Water - No objection  
Environmental Health - No objection (following receipt of amended plans).

## **Building Control -**

## Considerations

### Policy and Principle

Core Strategy Policy CS4 states that in town centres a mix of uses is sought, including residential. It is therefore considered that the principle of the proposed development is acceptable. It should be noted that the accommodation provided will be for staff supporting the principle restaurant use. It is considered that since the use is ancillary to the principal restaurant use the proposal would not in this case constitute a material change of use.

### Effects on the External Appearance of Building

The proposed changes are minor in nature and are all internal. As such the impacts on the appearance of the building are restricted to those visible from the inside.

### Historic Environment

An application for Listed Building Consent (4/03636/15/LBC) has recently been approved under delegated powers which proposed the following:

*'To undertake works to repair general dilapidations along with alterations to facilitate the use of the first floor for staff accommodation through the formation of new walling and alterations to existing door opening. Improvement works'.*

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) which requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The Council's Conservation and Design Officer has been consulted on this application and has stated that they have no objection to the change of use proposal. As such, the proposal would have a neutral impact on the setting of the Grade II host building and therefore the setting would be preserved.

The Council's Historic Environment Officer has been consulted on the application as the application site is situated within an Area of Archaeological Importance. The Officer stated that given the scale and nature of the repairs and alterations detailed in the Schedule of Building Repairs it is recommended that the impact of the proposal on the significance of the building is mitigated via a programme of detailed historic building recording in addition to the subsequent monitoring of any interventions affecting the historic fabric of the upper floor of the building. However, this application is for a change of use and matters such as those described are have been considered and addressed by the application for Listed Building Consent. As such, it is not considered appropriate to apply this condition to an approval for a change of use.

It is therefore considered that the proposal will not adversely impact upon heritage assets and as such, the proposal complies with Policy CS27 of the Core Strategy and Saved Policies 119 and 120 of the DBLP.

### Impact on Street Scene

The proposed changes are internal and as such, will not impact upon the street scene.

### Impact on Highway Safety

The Highway Authority has been consulted on the application and has no objection to the proposal subject to conditions in respect of refuse collection and construction traffic parking. It is therefore considered that the proposal will not result in an unacceptable impact on highway safety and is therefore acceptable.

### Parking

Policy CS8 of the Core Strategy states that all new development will contribute to a well-connected and accessible transport system whose principles are to provide sufficient, safe and convenient parking based on car parking standards; the application of those standards will take account of the accessibility of the location, promoting economic development and regeneration, supporting shopping areas, safeguarding residential amenity and ensuring highway safety.

The application does not propose any parking. However, the site is situated within a highly sustainable town centre location. Policy 58 of the Saved DBLP 1991-2011 states "Car free residential development may be considered in high accessibility locations, Parking provision also be omitted or reduced on the basis and type and location of the development (e.g special needs/affordable housing, conversion or reuse in close proximity to facilities, services and passenger transport).

It is considered that the nature of the occupancy of the proposed units is such that low car ownership rates are anticipated. Furthermore, as staff will be living on-site, it is reasonable to assume that staff-related vehicular trips and the need for staff parking will be reduced from that which may be otherwise expected.

Bearing in mind the above it is therefore considered that the proposal is in accordance with Policy CS8 and CS12 of the Core Strategy and Saved Policy 58 of the DBLP.

### Impact on Neighbours

The proposal will not result in an adverse impact on neighbours.

### Sustainability

As a change of use application the opportunity for sustainability enhancements are limited.

### Other Matters

The Town Council have objected on the grounds that the proposal will not result in an impact on current storage provision. It is considered that it is a matter for the occupiers of such units to determine whether or not sufficient storage exists. The applicant has confirmed that there is sufficient storage space downstairs and they also cook fresh ingredients from scratch every day so they do not hold large stocks, preferring

frequent fresh deliveries. Dry goods and food storage are within the kitchen area. Water and alcohol is generally within the ground floor customer area with a modest amount potentially stored in back of house areas.

The applicant has stated that the Thai chef labour market is very tight, more so since recent immigration legislation was introduced and staff accommodation provision is essential in attracting and retaining staff. Across the operator's 14 restaurants they accommodate approx. 200 staff. Without this provision of free accommodation (they do not charge their staff, they pay their benefit-in-kind income tax through a PIB arrangement with HMRC) they would not be able to operate a high quality kitchen operation as they could not attract skilled Thai chefs. In locations where they are unable to provide on-site accommodation they rent privately. The cost of this reduces the viability of potential sites without usable rooms above. As the application proposes ancillary accommodation for staff, it is considered appropriate to impose a condition on planning consent to ensure control over the nature of the occupancies.

The NPPF is quite clear in that the Government is committed to securing economic growth in order to create jobs and prosperity. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. The NPPF further advises that Local Planning Authorities should facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.

Furthermore, the NPPF states that Local Planning Authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality and should recognise that residential development can play an important role in ensuring the vitality of centres. It is considered that the proposed development fully accords with these objectives and as such, benefits fully from support by the NPPF.

The Council's Environmental Health Officer has been consulted and has advised that room sizes are required to be a minimum of 6.5m<sup>2</sup>. One of the bedrooms which was originally proposed has been removed from the proposal as it fell below this size requirement. An informative to advise the applicant of this requirement is considered appropriate.

It is noted that the Town Council objected to the proposal due to it being cramped. It is considered that the removal of this undersized room reduces any potential for sub-standard accommodation and provides a less intensely used development of acceptable room sizes. It should be noted that the Town Council objected to the proposal on the basis that only one bathroom is proposed, but there are in fact two proposed.

## **Conclusion**

The application proposes the change of use of first floor A3 storage to ancillary staff accommodation. The applicant has confirmed that adequate storage will remain should this application be granted. The proposal would provide much needed staff accommodation to support the primary ground floor use which will assist the business in terms of viability which will in turn promote the vitality of the town centre economy. It

is considered that with appropriate conditions, the proposal will result in an acceptable form of development within a town centre location which is supported by Policy CS4 of the Core Strategy, Policy 19 of the DBLP and the NPPF. As such, the application is recommended for approval.

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/documents:**

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

- 3 **No works shall commence on site until a scheme for the refuse collection has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

Reason: To ensure the provision of adequate refuse collection that meets the needs of occupiers in accordance with Core Strategy Policy CS12.

- 4 **Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off-street parking during construction in the interests of highway safety in accordance with Saved Policy 51 of the DBLP.

- 5 **The ancillary accommodation hereby approved shall only be tenanted by staff directly employed by the operators of the primary use at ground floor level.**

Reason: To ensure that the accommodation remains ancillary to the main use to ensure that the benefits of the proposal are delivered in accordance with economic growth objectives as promoted by the NPPF.

ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.