



# DEVELOPMENT CONTROL AGENDA

**THURSDAY 6 AUGUST 2015 AT 7.00 PM  
COUNCIL CHAMBER - CIVIC CENTRE**

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.

## Membership

Councillor Collins (Chair)  
Councillor Guest (Vice-Chairman)  
Councillor Birnie  
Councillor Clark  
Councillor Conway  
Councillor Maddern

Councillor Matthews  
Councillor Riddick  
Councillor Ritchie  
Councillor Sutton  
Councillor Whitman  
Councillor Wyatt-Lowe

For further information, please contact or

## **AGENDA**

### **1. MINUTES**

There are no minutes for this meeting.

### **2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence

### **3. DECLARATIONS OF INTEREST**

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal 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, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

It is requested that Members complete the pink interest sheet which will be made available at the meeting 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 Member Support on Tel: 01442 228221 or by email: [Member.support@dacorum.gov.uk](mailto:Member.support@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.

5. **4/01388/15/FUL - 44 HIGH STREET, KINGS LANGLEY, WD4 9HT** (Pages 1 - 42)
6. **4/01389/15/LBC - 44 HIGH STREET, KINGS LANGLEY, WD4 9HT** (Pages 43 - 54)
7. **4/01123/15/FUL - FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW** (Pages 55 - 72)

8. **4/02066/15/FUL - BERKHAMSTED BOWLS CLUB, BROADWATER, BERKHAMSTED, HP4** (Pages 73 - 86)
9. **4/02561/15/VAR - SYMBIO HOUSE, WHITELEAF ROAD, HEMEL HEMPSTEAD, HP3 9PH** (Pages 87 - 94)
10. **4/02296/15/FHA - 5 EGGLETON DRIVE, TRING, HP23 5AJ** (Pages 95 - 104)
11. **APPEALS** (Pages 105 - 108)
12. **EXCLUSION OF THE PUBLIC**

#### **7. EXCLUSION OF PUBLIC**

To consider passing a resolution in the following terms: That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the items in Part II of the Agenda for this 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 these items there would be disclosure to them of exempt information relating to:

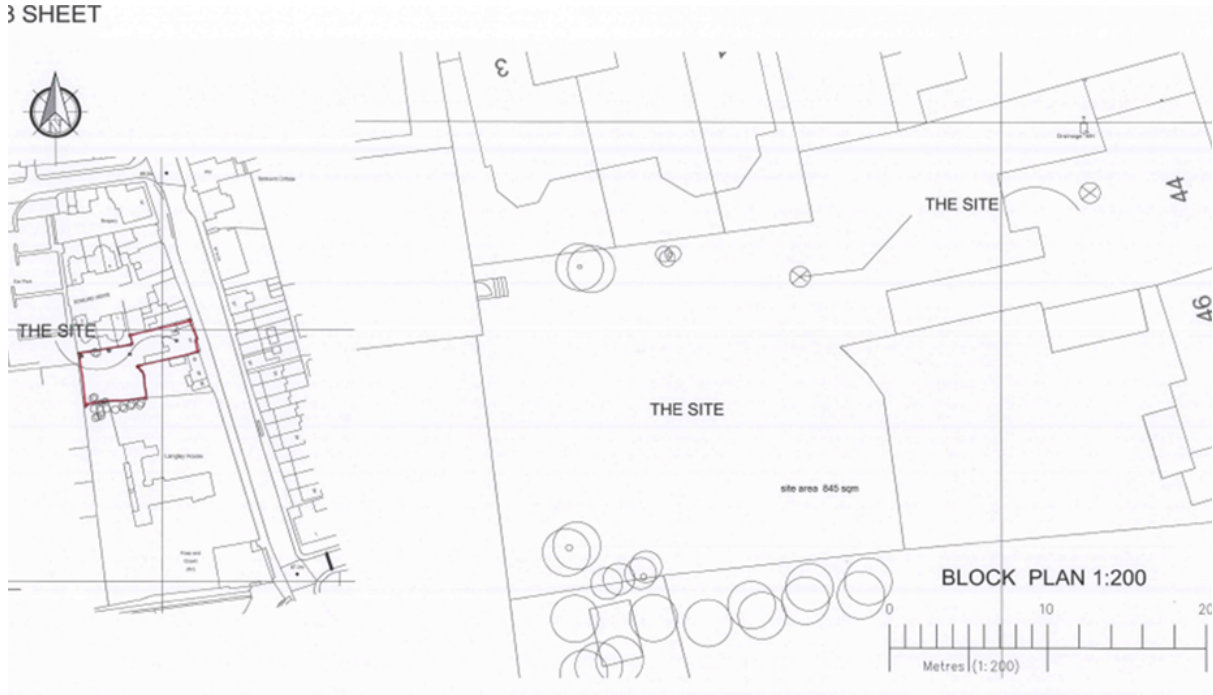
13. **PART 2 BREACH OF PLANNING CONTROL** (Pages 109 - 224)

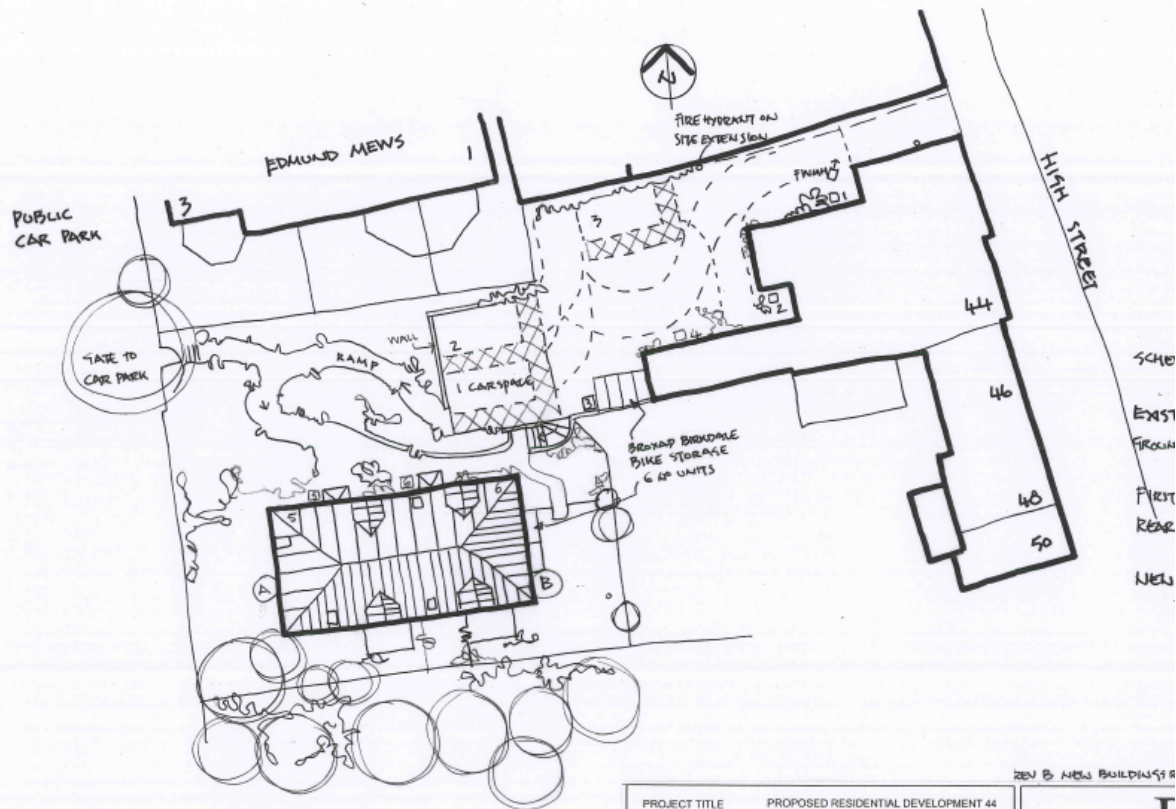
## Item 5.01

**4/01388/15/FUL – CONVERSION OF EXISTING BUILDINGS TO CREATE 2 X TWO BEDROOM AND 1 X THREE BEDROOM FLATS. CONSTRUCTION OF 2 TWO BEDROOM 1.5 STOREY DWELLINGS TO THE REAR OF THE PROPERTY WITH ASSOCIATED ANCILLARY WORKS**

**44 HIGH STREET, KINGS LANGLEY, WD4 9HT**

3 SHEET

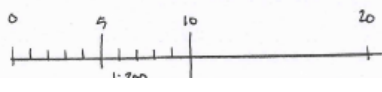




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EXIST  
FROM  
FIRST  
REAR  
NEW

2015 B. NEWS BUILDINGS R

EXISTING BOUNDARY WALLS &  
FENCES RETAINED THROUGHOUT



PROJECT TITLE	PROPOSED RESIDENTIAL DEVELOPMENT 44 HIGH STREET KINGS LANGLEY		
DRAWING TITLE	PROPOSED SITE PLAN		
CLIENT	Concept Design Ltd		
drawn	PCA	scale	1:200
date	MAR 2014	drawing no.	980-SL02 B

**I**  
ARCHITE  
9 High Street  
Telephone: 0  
email: F

**4/01388/15/FUL - CONVERSION OF EXISTING BUILDINGS TO CREATE 2 X TWO BEDROOM AND 1 X THREE BEDROOM FLATS. CONSTRUCTION OF 2 TWO BEDROOM 1.5 STOREY DWELLINGS TO THE REAR OF THE PROPERTY WITH ASSOCIATED ANCILLARY WORKS.**

**44 HIGH STREET, KINGS LANGLEY, WD4 9HT.**

**APPLICANT: Mr Cain.**

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[Case Officer - Nigel Gibbs]

## **Summary**

The principle is acceptable in accordance with Policies CS1, CS4 and CS18 of the Dacorum Core Strategy.

The proposal provides an opportunity to reinvigorate this empty listed building, supported by enabling development. The development would revitalise the site within Kings Langley Conservation Area in a location where residential development is supported. The development's form reflects a careful approach involving rejuvenating the site, a flexible approach to applying garden and parking standards in this sustainable location and the consideration of the Applicant's case based upon viability.

This flexible approach enables the provision of a fundamentally important area of communal structural planting within the layout which benefits both parts of the development and their respective settings.

There are no detailed objections to the scheme subject to the imposition of a range of conditions

## **Background**

The application was considered by the DCC at the meeting held on 9 July 2015. At the meeting Members considered the associated Addendum and were advised of the additional representation from 16 York Close regarding the construction implications.

The application was debated at length by the Committee.

It was resolved that the application be deferred to give further consideration to the proposal. This was with reference to the adequacy of parking/availability of spaces in the public car park, construction management and whether the current proposal is overdevelopment of the site.

Since then the applicant has submitted additional information including :

1. A Revised Plan reducing the number of new units at the rear of the site from 3 to 2 two bedroom units.
2. Supporting Letter ( Annex A). The applicant has requested this to be submitted in full to Members.
3. Parking Survey - 10 July 2015 to 20 July 2015. Hours : 7.30 to 8.30 am and 6. 30 to 7.30 pm. This comprehensive document is supported by detailed graph presented data for each day and associated photographs and analysis.

#### 4. Construction Management Plan.

Items 3 and 4 are held in the Members Room. There has been re consultation with Kings Langley Parish Council and local residents.

The documents include reference to the following:

Parking Survey Document : 10 Day Parking Survey :10<sup>th</sup> July up until the morning of the 20<sup>th</sup> July

The surveys were conducted between the hours of when it was considered that the residents cars would be parked in the evening and early morning before and after work.

The survey included:

A. Langley Hill Car Park. This is a 24 hours free car park and has a gated access to the proposed development. It has a total of 56 spaces including 2 disabled and 2 doctor spaces

B The High Street bays outside are available for free between the hours of 6.30pm and 8.30am and thereafter there is no return within 2 hours with 1 hour maximum stay. This was split into 4 sections

1. Rose and Crown Pub to Traffic lights outside 44 high street 15 spaces including 1 disabled.

2. Bus Stop to Saracens Head Pub opposite 44 high street 11 spaces.

3. Bus stop to Spar 44 high street side 14 spaces.

4. Saracens Head to Oscars opposite side 44 high street 15 spaces.

C .The NAP Car Park is 24hrs free and is approximately 150m from the site access. It has a total of 68 spaces including 3 disabled.

There are survey tables for each recording with a specification of the numbers of spaces available. With regard to the Langley Hill Car Park referred at the previous meeting the findings were:

10<sup>th</sup> July am 12 cars / pm 23 cars

11<sup>th</sup> July am 10 cars /pm 25 cars

12<sup>th</sup> July am 11 cars /pm 20 cars

13<sup>th</sup> July am 12 cars /pm 25 cars

14<sup>th</sup> July am 13 cars /pm 16 cars

15<sup>th</sup> July am 10 cars /pm 10 cars



16<sup>th</sup> July am 10 cars /pm 12 cars

17<sup>th</sup> July am 10 cars /pm 8 cars

18<sup>th</sup> July am 8 cars /pm 10 cars

19<sup>th</sup> July am 10 cars/ pm 8 cars

20<sup>th</sup> July 8 cars

Use Findings included the following free capacity at the specified times:

- Langley Hill . 81 % (45 spaces free in the morning) and 72% (40 spaces free in the evening).
- Rose and Crown Pub to Traffic lights outside 44 High Street on average 74% (11 spaces free in the morning) and 67% (10 spaces free in the evening).
- Bus Stop to Saracens Head Pub opposite 44 High Street on average has 73% (8 spaces free in the morning) and 55% free (6 spaces free in the evening).
- Bus stop to Spar 44 High Street side on average 79% (11 spaces free in the morning) and 50% free (7 spaces free in the evening).
- Saracens Head to Oscars opposite side 44 high Street on average 74% (11 spaces free in the morning) and 47% free (7 spaces free in the evening).
- The NAP Park Street on average 93% (63 spaces free in the morning) and 81% free (55 spaces free in the evening).

The Report's Conclusion was the number of car park spaces available in the central Kings Langley area outside of peak shopping times is more than adequate for the current demand and can accommodate any small variation due to the proposed site development 'with ease'.

#### Construction Management Plan

The Plan's introduction explains the company's/ applicant's work /experience in carrying development on restricted sites.

It explains that the company have been developing since 2006 with majority of its sites based throughout London. Having tight access sites is nothing new to the company which has 'years of experience' and have put multiple practices in place dealing with multiple issues resulting from 'tight sites'. The company's last 2 developments had similar issues to the application site and it liaised with the local community, professionals and local authority to successfully develop both these sites.

Examples of the company's work include:

- Central London on Chapel Market in a conservation area where access for deliveries and refuse clearance was limited to 1 day due to a 6 day market and access to the site was through an existing shop door due to the requirement of keeping the entire frontage of the building . The company 'successfully completed' the development of both residential units 4 storeys high and commercial unit below.
- West London on a 'red route', where the company had a total of 32 party wall awards and access was restricted to a gated entrance. The company successfully completed the demolition of a metal frame warehouse and construction of both flats and residential housing. It limited deliveries to certain days and utilized smaller machinery in both cases to overcome certain height and width restrictions that applied. It utilised precise ordering of smaller steel frames with timber, brick and block blocks to allow the company to work in confined areas and limit any needs for cranes or heavy goods vehicles.

At the application site the company would again be utilizing all the above along with associated experience at the site to '... make this a successful project along with limiting any impact on the local community'.

This site will be registered in both the considerate contractor scheme and premier guarantee new home warranty scheme involving two unions who both set very rigid regulations and standards to be adhered to at all times. The company also have a designated CDM Manager at all times during the duration of each project.

In this context the company considers that with the site's managed correctly it does not foresee the access way as a problem or hindrance to its work.

The main document provides a comprehensive explanation of the very wide range of issues which would be addressed during construction.

### **Additional Representations**

( As reported to the DCC previously)

#### Conservation Team

##### *Conditions*

Conservation considered the recommended conditions and recommended the following additional conditions:

- Notwithstanding the submitted details no works shall be undertaken to reduce the external door openings of the former stable block attached to the existing (listed) building until details of the brick mortar, mix and brick bonding to be used have been submitted to and approved in writing by the Local Planning Authority. The works to the openings shall then be carried out in accordance with the approved details.

Before the commencement of the development hereby permitted and notwithstanding the submitted details, a full and detailed schedule of all external and internal changes to the existing (listed) building is to be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out fully in accordance with the approved details.

Notwithstanding the submitted details hereby approved no services pipework shall be installed on the exterior elevations of the existing (listed) building, and any attached structures, without details (to include scaled elevation drawing to proposed location) having been submitted to and approved in writing by the Local Planning Authority prior to undertaking the works. The works shall then be carried out in accordance with the approved details.

Notwithstanding the submitted details hereby approved no external vents, flues or other form of opening shall be formed on the elevations or roofs of the existing (listed) building, and any attached structures, without full details (to include scaled elevation drawing to proposed location) having been submitted to and approved in writing by the Local Planning Authority prior to undertaking the works. The works shall then be carried out in accordance with the approved details.

Notwithstanding the submitted details hereby approved no works shall be commenced until full details of the design and finish of window(s), roof- lights and door(s) (external and internal) to the existing (listed) building, and attached structures, have been submitted and approved in writing by the Local Planning Authority. The details shall include scaled drawings of the window (s) and door(s) at a scale of 1:10 and are to be accompanied by horizontal and vertical cross sections, shown in relation to the surrounding fabric, along with moulding and glazing bar detail shown at 1:2 scale. The works shall then be carried out in accordance with the approved details.

Notwithstanding the submitted details hereby approved all rainwater goods are to be in metal with a black painted finish.

Notwithstanding the submitted details hereby approved the historic fabric of the building where damaged, shall be repaired on a 'like for like' bases, to match the original.

### Third Party Representation : 2 Church Lane

Only 3 spaces have been provided for the 7 dwellings. In which case are the remaining cars going to park? The plans seem to suggest (without explicitly stating) that the parking will be in the public car park to the rear. One would expect between 7 and 10 cars for 7 dwellings which would mean 4-7 cars parking regularly in the car park. The car park was nearly full when the writer visited today at 4.45pm on 6 July 2015. Therefore the writer does not believe there is capacity for the extra cars.

Also this approach would surely set a precedent for future developments on the High Street to use the car park to count towards parking provision.

It is not known if there are any covenants on the car park but it wouldn't be beyond the realms of probability for the Council to sell the car park in future to raise funds. The rule no 2. of the car park, "Re-parking within 2 hours of leaving", would also appear to

prevent it being used for the dwellings.

#### Kings Langley Parish Council

Response to the Additional Information: Comments awaited.

#### Local Residents

Response to the Additional Information: Comments awaited.

### **Considerations**

These relate to the reasons for the deferment, the change to the scheme and the additional information.

#### Revised Layout

The modified layout and design would be compatible with the setting of the listed building and the character and appearance of the Conservation Area.

With due regard to the layout's form, the role of the strategic communal green space, the number of units and the approach to limiting parking (see below), the proposal would not represent over development. Whilst there is not a rigid adherence to the standards for residential layout specified through the saved DBLP Appendix 3, as explained by the previous report the development would be compatible with the site's setting given the resultant balance between the building footprint/ amount of development and communal green space.

#### Parking

The previous report addressed the provision of a lower level of on site parking.

Based upon the post DCC submitted survey evidence there is apparent off site capacity to accommodate parking within the immediate vicinity of the site. This involves the availability of local car parks and the highway in this sustainable location.

There are no parking objections to the proposal. This is given the policy context, survey findings, HCC Highways previous advice, the earlier assessment of the parking implications and reduction of the number of units to six.

For clarification saved Dacorum Borough Local Plan Policy 58 (Private Parking Provision) addresses 'Residential Development' under page 186: .

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

Car free residential development may be considered in high accessibility locations. Parking provision may also be omitted or reduced on the basis of the type and location of the development (e.g. special needs/affordable housing, conversion or reuse in close proximity to facilities, services and passenger transport)'.

As explained at the previous DCC meeting the approach to limiting parking at the site

is due to a combination of factors. These include the sustainable location, the importance of minimising the impact upon the setting of the listed building through limiting curtilage parking, proximity of available public car parking, restricting vehicular movements through the archway access in the interests of highway safety, providing parking for persons with disabilities and limiting the effect upon residential amenity.

#### Construction Management Plan

This is addressed by a recommended condition.

#### Community Infrastructure Levy

Members will be updated at the meeting.

### **Conclusion**

The application is recommended for permission subject to wide range of conditions.

The conditions include those referred by the previous Addendum recommended by the Conservation Team, the development's phasing and construction management.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 Notwithstanding the submitted details no development hereby permitted shall commence until a full schedule of all materials (including samples) to be used in the construction of all parts of the development shall have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details.**

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

- 3 Before the commencement of the development hereby permitted and notwithstanding the submitted details no development hereby permitted shall commence until a full schedule of all external changes to the existing building is submitted to and approved by the local planning authority. The development shall be carried out fully in accordance with the approved details.**

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

- 4 **Rainwater gutters and downpipes shall be of metal all windows and doors shall be of timber and and the rooflights shall be of a Conservation type.**

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

- 5 **The hard surfaced courtyard shall be constructed of permeable material in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: In the interests of sustainable drainage to accord with Policy CS 29 of Dacorum Core Strategy.

- 6 **Notwithstanding any of the submitted details no development shall take place until details of the proposed slab, finished floor and ridge levels of the new buildings and the proposed ramps in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved levels.**

Reason: To ensure that the development is compatible with the setting of the existing listed building, the adjoining listed building and the character and appearance of Kings Langley Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 of 120 of the Dacorum Borough Local Plan. In the interests of residential amenity to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 7 **Before the first occupation of any of the dwellings hereby permitted full details of soft landscaping shall have been submitted to and approved in writing by the local planning authority. These details shall include a management plan for the maintenance of the communal landscaped area, the 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 existing planting to be retained and measures for their protection during construction works.**

**The approved landscape works shall be carried during the first planting season following the first occupation of any of the dwellings hereby permitted.**

Reason: To ensure that the development is compatible with the setting of the existing listed building, the adjoining listed building and the character and appearance of Kings Langley Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 of 120 of the Dacorum Borough Local Plan and in the interests of biodiversity and to accord with the sustainable approach to development to accord with Policy CS29 of the Dacorum Core Strategy.

- 8 Any tree, hedge or shrub which forms part of the approved landscaping scheme within a period of ten years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree , section of equivalent hedge or shrub of a species, size and maturity to be approved by the local planning authority. After the ten years the submitted management plan subject to Condition 7 shall be carried out and maintained at all times.**

Reason: To ensure that the development is compatible with the setting of the existing listed building, the adjoining listed building and the character and appearance of Kings Langley Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 of 120 of the Dacorum Borough Local Plan and in the interests of biodiversity and to accord with the sustainable approach to development to accord with Policy CS29 of the Dacorum Core Strategy.

- 9 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of all the boundary fences/ walls The boundary walls/fences shall be provided fully in accordance with the approved details before the dwellinghouse hereby permitted is first occupied and thereafter shall be retained at all times.**

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

- 10 The first floor bathroom windows of the dwellinghouses hereby permitted shall be and permanently fitted with obscured glass.**

Reason: In the interests of residential amenity to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 11 **Before the first occupation of the dwellinghouses hereby permitted the vehicular access under the archway shall be upgraded fully in accordance with details submitted to and approved by local planning authority.**

Reason: In the interests of highway safety in accordance with Policy CS12 of Dacorum Core Strategy.

- 12 **The parking spaces numbered identified on Drawing Number 980-SL02 shall be provided fully in accordance with this drawing before the first occupation of any of the dwellings hereby permitted. These spaces shall only be used for parking thereafter.**

Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining highway in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy and Policy 58 of the Dacorum Borough Local Plan.

- 13 **No dwelling hereby permitted shall not be occupied until the turning space shown on Drawing No. 980-SL02 shall have been provided and shall not be used thereafter for any purpose other than the turning of vehicles.**

Reason: To ensure that vehicles may enter and leave the site in forward gear in accordance with Policy CS12 of Dacorum Core Strategy.

- 14 **A gate shall be provided at all times linking the rear of the site with the adjoining car park fully in accordance with details approved in writing by the local planning authority.**

Reason: To ensure opportunities for occupiers of the dwellings hereby permitted to have direct access to the adjoining car park and in the interests of security and crime prevention to accord with Policies CS8, and CS12 of the Dacorum Core Strategy.

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

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

- 16 **The development hereby permitted shall not be commenced until a sustainable surface water and foul drainage scheme for the site has**



**been submitted to and approved in writing by the local planning authority. The scheme shall be carried out fully in accordance with the approved details before the development is completed and any part is first brought into use. No soakaways which shall not be constructed on contaminated land.**

Reason To ensure that the site is served an acceptable drainage infrastructure to accord with Policy CS31 of the Dacorum Core Strategy and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

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

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

- 18 No development shall be carried out until additional bat surveys have been submitted to the local planning authority, In the event that bats are found to inhabit the respective buildings a bat mitigation strategy shall be submitted to the local planning authority. The development shall be carried out fully in accordance with the approved bat mitigation strategy.**

Reason: In the interests of safeguarding bats to accord with the requirements of Policy CS26 of the Dacorum Core Strategy.

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

- 1.The programme and methodology of site investigation and recording**
- 2.The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. Nomination of a competent person or persons/organisation to**

**undertake the works set out within the Written Scheme of Investigation.**

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

- 20 **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 Policies CS31 and CS 32 of the Dacorum Core Strategy

- 21 **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.**

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- 22 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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**

**without the prior written approval of the local planning authority within the residential curtilages of the dwellinghouses of Plots 5 , 6 and 7 :**

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

Reason: To enable the local planning authority to retain control over the development in the interests of ensuring that the limited gardens serving the dwellinghouses hereby permitted are maintained and retained for their designed purposes , in the interests of safeguarding the residential amenity of the dwellinghouses hereby permitted and adjoining dwellings , to ensure that there is an acceptable balance between buildings and retained space and in the interests of the appearance of the development in accordance with Policies CS10, CS11 ,CS12 and CS27 of Dacorum Core Strategy

- 23 **Before the first occupation of any of the dwellings within the listed building a scheme shall be submitted confirming how the basement is to be used and maintained .**

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

- 24 **The four flats shall be served by a communal refuse storage building unit which shall be provided s fully in accordance with an approved scheme at all times.**

Reason: To ensure that refuse disposal is addressed through Policy CS 12 of the Dacorum Core Strategy and to ensure that the development is compatible with the setting of the existing listed building, the adjoining listed building and the character and appearance of Kings Langley Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 of 120 of the Dacorum Borough Local Plan.

- 25 **Notwithstanding the submitted details no development shall be undertaken to reduce the external door openings of the former stable block attached to the existing (listed) building until details of the brick mortar, mix and brick bonding to be used have been submitted to and approved in writing by the local planning authority. The wdevelopment to the openings shall then be carried out in accordance with the approved details.**

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

- 26 **Before the commencement of the development hereby permitted and notwithstanding the submitted details, a full and detailed schedule of all external and internal changes to the existing (listed) building shall be**

**be submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved details.**

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

- 27 **Notwithstanding the submitted details no external vents, flues or other form of opening shall be formed on the elevations or roofs of the existing (listed) building, and any attached structures, without full details (to include scaled elevation drawing to proposed location) having been submitted to and approved in writing by the local planning authority prior to carrying out of the development hereby permitted . The development shall be carried out in accordance with the approved details.**

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

- 28 **Notwithstanding the submitted details no development shall be commenced until full details of the design and finish of window(s), roof- lights and door(s) (external and internal) to the existing (listed) building, and attached structures, have been submitted and approved in writing by the local planning authority. The details shall include scaled drawings of the window (s) and door(s) at a scale of 1:10 and are to be accompanied by horizontal and vertical cross sections, shown in relation to the surrounding fabric, along with moulding and glazing bar detail shown at 1:2 scale. The development shall be carried out in accordance with the approved details.**

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

- 29 **Notwithstanding the submitted details hereby approved all rainwater goods are to be in metal with a black painted finish.**

Reason: To ensure that the development is compatible with the setting of

the existing listed building, the adjoining listed building and the character and appearance of Kings Langley Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 of 120 of the Dacorum Borough Local Plan.

- 30 **Before the commencement of the development hereby permitted a scheme for phasing of the development shall be submitted to and approved in writing by the local planning authority**

Reason: To ensure that the listed building is converted at the same time or before contemporaneously with the new dwellinghouses within the rear of the site ensuring that the development is compatible with the setting of the existing listed building, the adjoining listed building and the character and appearance of Kings Langley Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 of 120 of the Dacorum Borough Local Plan.

- 31 **The development shall be carried out fully in accordance with Construction Management Plan dated 21 July 2015 accord with the requirements of Policy CS12 of the Dacorum Core Strategy.**

Reason: In the interests of safeguarding the residential amenity of the locality and in the interests of highway safety.

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

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

NOTE 1:

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012

INFORMATIVES

Bats : Demolition Works

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

UK and European Legislation makes it illegal to:

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

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

- *Contacts:*

English Nature	01206 796666
UK Bat Helpline	0845 1300 228 ( <a href="http://www.bats.org.uk">www.bats.org.uk</a> )
Herts & Middlesex Bat Group	01992 581442

#### Removal of Asbestos

Advice should sought from the Council's Environmental Health Unit and the Health & Safety Executive.

#### Construction

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

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

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

### Air Safeguarding Area

The site is in an air safeguarding area.

### Water Supply

This is within the area covered by the Affinity Water Company. It is recommended that the developer contacts Affinity Water.

### Land Stability

Before the commencement of development it is recommended that the developer checks the site's land stability.

## **ANNEX 1 : Applicants Supporting Letter dated 21 July 2015**

Please see enclosed our construction management survey, parking survey over a 10 day period and a new revised scheme comprising of 6 units in total

We were extremely disappointed with the committee's comments regarding both access and parking to the scheme that was presented to them. No reflection of the past 12 months hard work that has gone into our proposed scheme was spoke of, neither was our sole aim. As you are aware our sole aim had been to rejuvenate this property and breathe new life into this. A lot of detailed professional expertise and cost has produced a scheme that allows minimal works for sub division of a property that is at risk, it has subsidence, damp and the last 2 rain storms have caused further water penetration from the failing windows and roofs.

The committee spoke of access and parking and commented briefly on over development at the end before deferring the application.

At no point was it mentioned that this property had over 34 viewings, 5 failed offers due to the financial implications of restoring this property and structural issues that were further evident once we completed as disclosed earlier our completion almost didn't happen due to these concerns.

This has been a complicated project from the start and with so many boxes to tick along the way, but we feel we have done our utmost to meet all the planning policy guidelines and this can certainly not be viewed as standard case when it comes to parking. There are too many other factors involved in this project.

We have the support of all consultees that you have discussed the scheme with, archeologically, conservation, fire, police, highways, yourselves, strategic team, ecology, all in fact bar the parish council. With detailed reports supporting our proposed scheme undertaken and conclusions agreed to by the above consultees. The detailed neighbour's discussions barring 2 have been extremely positive.

As outlined on many occasions our sole aim is to rejuvenate this property so it may stand proud as a centre of history within Kings Langley high street for many years to come. But this is only financially viable through a scheme that includes development to the rear garden area.

As always during our negotiations with yourselves over a pre application, main submission and countless consultees meetings over a 12 month period we listen and take on board your comments. In this case we have listened to the committees comments.

A lot was spoken of access to the site. In correct dimensions of height were given and lots of discussions took place within the committee members under false information. We have produced a detailed construction management report detailing deliveries,



equipment etc. I want to reiterate we don't see this access as a problem and have encountered far worse than this in our experience.

The members spoke of parking. We have included a detailed parking survey highlighting how much parking is available to the development and how this would not influence shopkeepers or the local community. There are various free parking options all within 150 m of the site including free off street parking but for our report we have concentrated on Langley Hill, High Street bays and the Nap Car Park. I want to reiterate that the cars left over night in these car parks are residents within Kings Langley.

Kings Langley is a very sustainable area. The site is located in a sustainable position of the High Street close to all services and facilities in the centre of Kings Langley. There are 3 bus stops available less than 30 secs walk from 44 High Street. The High Street is used as a bus route for 318, 500 and 501 buses north bound to Tring, Aylesbury, Hemel Hempstead and Watford. As well as excellent bus links there is also a Train station with direct services to London and Birmingham New Street and all stops in between. This is approx a 10 min walk from the development.

In light of the committee's comments and showing our commitment to this project even further we have reduced the number of units from 7 to 6. We have reduced the number of units from 3 to 2 within the rear garden area, further limiting any impact on the surrounding community.

Losing a 2 bedroom unit, 33% of the scheduled new build. This is considerable financial loss and stresses the financial viability to breaking point but enables this project to be undertaken.

The current property 44 High Street is an existing property with an existing footprint to work too. We could not reduce the units without making further structural changes that could cause greater structural works than our current floor plan proposed. And being listed we simply could not or would not propose any demolition works to this historic property.

We have produced a floor plan for the current listed building that limits any mass internal works, utilizing the external features, windows, internal doorways and current stairs with minimal subdivision. A floor plan that has the support of conservation after many months of negotiations.

I hope with this information and the detailed reports that the committee will see where we are coming from with our design approach and answer any comments they may have.

**May I also request that any question that the committee may have during the meeting be directed to us as applicants. There was a lot of misleading, undetailed and inaccurate information, that caused debate within the committee itself, and I hope you agree that the correct and accurate facts need to be dealt with so they can make an accurate decision.**

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## **ORIGINAL REPORT TO THE DCC : 9 JULY 2015**

### **Summary**

The application is recommended for approval.

The principle is acceptable in accordance with Policies CS1, CS4 and CS18 of the Dacorum Core Strategy.

The proposal provides an opportunity to reinvigorate this empty listed building, supported by enabling development. The development would revitalise the site within Kings Langley Conservation Area in a location where residential development is supported.

The development's form reflects a careful approach involving rejuvenating the site, a flexible approach to applying garden and parking standards in this sustainable location and the consideration of the Applicant's case based upon viability.

This flexible approach enables the provision of a fundamentally important area of communal structural planting within the layout which benefits both parts of the development and their respective settings.

There are no detailed objections to the scheme subject to the imposition of a range of conditions.

### **Site Description**

No. 44 ( Village House) is a circa 17<sup>th</sup> Century Grade 2 vacant listed terraced hipped and gable roof two storey dwellinghouse located on the south western side of the High Street within the Conservation Area. It adjoins / is close to a range of listed buildings including Grade 2\* Langley House.

It is within Flood Zone 1, an Area of Archaeological Significance and straddles the Local Centre and Residential Area designations.

It is served by a narrow arched gated cobbled rising carriageway/ access linked to the High Street. The access leads to a yard featuring a two storey stable block. Beyond the yard there is a raised garden which adjoins established housing and Kings Langley Local Village Centre Car Park.

The dwelling was built in phases and features a basement. The oldest timber framed part is late 17<sup>th</sup> century incorporating major alterations during the 19<sup>th</sup> century. The roof void is of timber construction with a bitumen liner to the roof tiles. Much of the historic interior remains intact.

During much of the 19<sup>th</sup> Century the building formed two dwellings. One was a bakers shop and bakehouse. It is confirmed that evidence for this may survive in the form of an inglenook style fireplace within the historic core of the building. This may originally have formed the baker's oven.

In the later part of the 19<sup>th</sup> Century the building was converted back to a single private

residence, and ceased to function as a bakery. In the latter part of the 20th Century it was subdivided into flats. The installation of modern facilities has obscured much of the previous layout of the building.

## **Proposal**

This is for the building's conversion into 4 flats and the construction of 3 two bedroom dwellings in the rear. The development will be served by the existing vehicular access. The courtyard will provide 3 spaces to accord with the size for persons with disabilities and turning facilities.

### The Conversion/ Renovation

This comprises of one 1 bedroom, 2 two bedroom and one 3 bedroom flats. Part of the main loft void will be converted into residential use and the whole building will be re-roofed. There are no planned works to the basement/ cellar. The conversion would incorporate sound and fire insulation. Part of the main loft void will be converted into residential use and the whole building will be re-roofed.

### The Rear Development

This would provide three new hipped / gable roof 2 bedroom units on the garden land . The one and a half storey dwellings served by 'non standard ' gardens' would be built on lowered land ( about 0.8m) above the courtyard. Access would be via pedestrian ramps within a substantial communal planted area incorporating an internal footpath providing access to the adjoining public car park.

### The Revised Viability Assessment

A copy of this is at Annex A. For clarification the Applicant recently confirmed:

- Viability: Over 50 % of the construction costs are to reinvigorate no. 44. The 4 units and 3 houses at the rear enable this.
- Buildings at Risk : Recent property valuation. A specialist subsidence insurance at great expense has been necessary after the latest surveyor's valuation report to the Applicant's lenders. The surveyor for the lender was extremely concerned at the property's structural condition.
- The surveyors report was so critical that the completion on the house almost didn't happen as several lenders were put off by the issues that 44 High Street currently faces.
- The neighbours next door are also experiencing cracking from the joining party wall and are worried at this continuing with roof tiles sliding and damaging their property.

## **Referral to Committee**

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

## **Planning History**

Planning Permission 4/00961/05. Change of use from dwelling to mixed use of dwelling and rehabilitation treatment rooms. Hertfordshire Highways raised no highway

issues. The report noted 3 off-street car parking spaces were to be provided 'with many public car parking spaces in close proximity' . There was an associated listed building consent.

There has been historic and more recent pre application advice regarding the current proposals.

At the pre application stage it was accepted that there was scope to convert the building into separate residential units and accommodate three dwellings at the rear based upon minimum curtilage / off street parking. The Conservation Officer raised concerns regarding the conversion of the property to 5 units and the impact upon the fabric and character of the listed building. The revised approach at that stage reduced the conversion to 4 units.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Guidance Notes

### Adopted Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8 - Sustainable Transport

CS9 - Management of Roads

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS13 - Quality of Public Realm

CS17 - New Housing

CS19 - Affordable Housing

CS25 - Landscape Character

CS26 - Green Infrastructure

CS27 - Quality of the Historic Environment

CS28 - Renewable Energy

CS29 - Sustainable Design and Construction

CS31 - Water Management

CS32 - Air, Water and Soil Quality

Kings Langley Place Strategy

### Saved Policies of the Dacorum Borough Local Plan

Policy 19

Policy 43

Policies 57 & 58

Policy 119

Policy 120

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

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Water Conservation & Sustainable Drainage (June 2005)

Energy Efficiency & Conservation (June 2006)

Accessibility Zones for the Application of car Parking Standards (July 2002)

Landscape Character Assessment (May 2004)

Affordable Housing SPD (Jan 2013)  
Advice Notes and Appraisals  
Sustainable Development Advice Note (March 2011)  
Refuse Storage

## **Representations**

### Kings Langley Parish Council

The Council objects to this application as it considers that the development would be an over-cramping of the site and that there is insufficient parking provision for the number of dwellings.

### Strategic Planning

Note that this proposal was subject to pre-application advice and that 44 High Street has been vacant for some time and would support it being brought back in to active use, particularly to ensure the fabric of the Listed Building (saved DBLP Policy 119). No objection in principle to housing development in this general location that straddles the Local Centre and Residential Area designations (Policy CS4). Also whilst the existing building has a High Street frontage the ground floor does not form part of the frontage within the shopping area of the Local Centre under saved Policy 43.

This appears to be a sensitive site given it falls within the Conservation Area (saved DBLP Policy 120 and Core Strategy Policy CS27) and the existing building is Grade 2 listed (saved Policy 119 and Policy CS27). This will therefore require a high quality and sympathetic scheme to safeguard the original building and the setting of the site, particularly in respect of the impact of the new building housing the dwellings to the rear of the plot. The views of the Design and Conservation team should be sought. Saved Policy 19 provides general advice on converting properties to residential. It promotes the conversion of non-residential buildings to flats in Local Centres subject to achieving an appropriate mix of other uses. The policy encourages the provision of a range of amenities including adequate garden space, drying areas, bin stores and parking, etc.

The proposal will provide very limited opportunities for parking as only 3 spaces are to be provided for the proposed 7 units. Some flexibility is acceptable given that this is a reasonably sustainable location being close to a range of services and facilities within the local centre and its reasonable access to passenger services (saved DBLP Policy 58). However, the views of the local Highway Authority should be sought on the proposed level of parking. 7 cycle spaces are to be secured and this is welcomed. The new dwellings should be carefully justified in relation to its impact on the setting of the Listed Building and Conservation Area and its potential impact on adjoining residential properties (Policy CS12 c)). Are the new dwellings required as part of enabling development to maintain the Listed Building? Is the conversion of the original building alone sufficient to achieve such improvements?

The new building is relatively bulky and occupies much of the rear of the plot. It sits quite close to neighbouring property boundaries which limits space around it and opportunities for amenity / garden space and landscaping (saved DBLP Appendix 3). Normally the new dwellings should be provided with their own garden space at a minimum of 11.5m depth. A more communal approach to garden space could be

acceptable if this seeks to better complement/safeguard the setting of the listed building.

## Conservation & Design

### *Initial Advice*

The property is Grade II listed and dates to the 17<sup>th</sup> century or earlier, it has a timber frame core with the front in red brick (19<sup>th</sup> century) and comprises various phases of construction. At its north end is a gated carriageway entrance to the rear of the site. The property lies in a prominent corner position on the High Street, within the Kings Langley Conservation Area. To the rear, and adjoining the house and forming part of the listed building is a small stable block. The garden extends to the rear and the ground level rises up considerably.

The property is of a good size and has functioned as a family home during the 20<sup>th</sup> century, it has been used in part as offices in the past and as flats but is currently one unit.

The application includes a detailed Historic Building Appraisal which adequately details the history, fabric and development of the listed building and assesses the impact of the proposals on the listed building.

The property is structurally sound and whilst in need of redecoration and repair internally CO does not consider it to be 'at risk' at this present time. The applicants have submitted a viability statement attempting to justify its conversion to 4 units and the construction of 3 further units in the rear garden, this statement lacks substance and the CO would like to see a viability statement that is backed up by more facts / figures. However it has been accepted at the pre-application stage that the property is fairly large and there is scope to convert it to separate residential units. At the pre-app stage CO raised concerns regarding the conversion of the property to 5 units and the impact upon the fabric and character of the listed building; now a total of 4 units are proposed, 3 units in the house and 1 unit in the stable block.

Following an extensive amount of pre-application discussions the current application entails limited physical alteration to the listed building however the subdivision will naturally entail blocking up of openings, creation of new openings and insertion of fire / sound proofing measures – all of which will have some degree of harmful impact upon the internal character of the listed building. The external appearance of the house will remain unaltered, existing windows and doors are all proposed to be retained and renovated (no replacement is proposed).

There are a number of historic doors within the property, a couple with older spring latches and some vertical board doors. It is likely that the creation of four separate flats will entail the need to block many of these openings up, insert fireproof partitions / doors etc. which will harm the character and internal fittings of the listed building. I would like to see the door between rooms F1 and F2 (both flat 3?) retained, it is a late 18<sup>th</sup> century panelled door with a spring latch and if within the same flat I believe this could be retained in situ and nailed shut if necessary.

The cupboard in room F4 is to be retained and the former stairs (now part of a

cupboard) leading from G6 to F5 will be used again, this re-instates the older staircase within the oldest part of the property. Other historic doors and door frames can potentially be fireproofed and re-used rather than replaced.

It is recommended the roof-lights to the rear elevation (for the attic conversion) are either a single roof-light (enlarged) or the two roof-lights are placed further apart. External alterations to the stable block are proposed, inserting windows where there are doors currently existing. In principle this is acceptable as the building will be put fully into residential use thereby keeping it in a better state of repair. The proposed fenestration does seem rather muddled and the proposed French doors and side lights to the large front opening is overly domestic in character and should be simplified. It is suggested the full opening is infilled with framed glazing, with the central doors opening and side lights – no glazing bars. The front door can have glazing in its upper part but a reduced amount. It would reduce the domestic appearance of this converted stable building if the door closest to the house could also feature a fully glazed window (non-opening) or remain as a timber door. The other window within the upper part of the existing door opening is acceptable but the glazing bars should be omitted or reduced to a single glazing bar.

The rear development. 44 High Street has a good sized garden area to the rear, it also extends to the west to the rear of 46 – 50 High Street, the land level rises up considerably to the rear. Whilst any development is unlikely to be easily visible from the street scene it may be visible from the car park on Langley Hill and due to the raised levels to the rear any development will have an elevated position. The impact upon the setting of the Grade II\* Langley House will also need to be considered, following a site visit I did not consider the new development would have a neutral impact in terms of its harm to the setting of Langley House. In terms of design CO appreciates the reason for hipping the roof ends etc to reduce bulk however CO considers the design could be improved and probably the flint panels omitted. The blank east elevation of the westernmost property is unfortunate and the dormer looks too cramped in this position.

Cycle and refuse storage has been indicated on the site plan adjacent to the rear of the stable building but not shown on elevation plans. Can this be clarified.

Whilst the principle of converting 44 High Street is acceptable the subdivision of the main house into four separate units is considered to harm the layout and character of the interior of this grade II listed building. However, CO is aware that the listed building has been vacant for a few years and is beginning to fall into a state of disrepair; furthermore it seems as if attempts to sell the property as one unit have not been successful; whilst neither of these are a reason to grant consent they could provide weight to the proposals. The NPPF requires the Council to weigh up any harm to the listed building against any public benefit the proposed conversion may provide (para. 134).

Suggest an enhanced viability statement would help justify the harm to the grade II listed building.

The revisions suggested above to the fenestration of the stable block and a reconsideration of the design / appearance of the rear development would be welcomed.

## *Response to the Revised Viability Assessment*

If the suggested amendments regarding the listed building are provided (as per the applicant's additional submission) CD would be happy to recommend approval of the proposed scheme (subject to a number of conditions).

### Building Control

Comments awaited.

### Trees & Woodlands

Comments awaited.

### Scientific Officer

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. I recommend that the contamination condition be applied to this development should permission be granted.

### Noise & Pollution

Comments awaited.

### Refuse Controller

Comments awaited.

### Hertfordshire County Council :Highways

#### *Recommendation*

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

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

Reason: To minimise the impact of construction vehicles whilst the development takes place.

2) All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

Reason: In the interest of highway safety and free and safe flow of traffic.

3) The proposed car parking space shall have measurements of 3.6m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be used for no other purpose.

Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.

#### *Highway Comment*



This latest amended details shows that the 3 disabled compliant car parking spaces and discusses the construction methodology of the build.

HCC Fire and Rescue department will comment separately on the accessibility of the site and whilst visitor parking is a matter for the LPA to determine the applicant has confirmed that the refuse will be collected from the dwellings at kerb side which is on par with other similar residential dwellings in the vicinity.

Conclusion The Highway Authority has no objection to the construction of these houses and the refurbishment of the existing. On balance, this proposal is unlikely to have 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. The Highway Authority has no objection subject to the above conditions to the grant of permission.

#### Hertfordshire County Council: Historic Environment

Comments awaited.

Note: Based upon pre application advice there are no fundamental objections

#### Hertfordshire Ecology

HE has reviewed the bat report.

1. HE has no existing species records on the database for this site, however there are four records of bats within 1 km.
2. The 2015 bat report found limited evidence of bat use at this site (four old droppings in the roof void and two fresh droppings in the ground floor workshop), but this indicates that a bat had been present in the building at some point. This report stated that there was moderate potential for bats and that further surveys were necessary. HE has no reason to believe these were undertaken as no further information has been provided in this respect. The report did provide an outline mitigation strategy assuming a maternity colony of pipistrelle bats were present.
3. Technically the LPA **should not determine an application without demonstrating how a European Protected Species can be satisfactorily dealt with** if required, thus satisfying the third Habitats Regulations test. In this case, further surveys are still needed having been recommended but a worst case scenario has also been provided to demonstrate the type of mitigation considered necessary, based on the evidence seen thus far.
4. Consequently if the application is to be approved, **the LPA should condition the further surveys outlined in the 2015 report to determine whether bats are present at the site and to inform what specific mitigation is appropriate.** Whilst surveys should not be conditioned, the current evidence is weak and mitigation options have been outlined so HE considers there is reasonable justification to proceed with determination having taken bats sufficiently into account.
5. HE has no reason to consider there are any other ecological issues associated with this proposal.

## Environment Agency

Flood risk is the only constraint at this site. This site is in Flood Zone 1 and is under a hectare. There was no need for consultation.

The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere.

Recommend the EA surface water management good practice advice in cell F5 to ensure sustainable surface water management is achieved as part of the development.

Note: Given the site is a former land use there is usually consultation with the EA.

## Hertfordshire Constabulary: Crime Prevention Officer

On the basis of information available am content with the development.

The rear gateway access to the public car park on the North West corner of the site, should be full height, ideally self-closing, and with number lock to the car park and thumb turn to the inside face. This is to prevent casual intrusion into the proposed development from this car park.

Any new doors, ground floor windows and flat access doors off communal areas should be to the Secured by Design standard of BS Pas 24:2012.

It is hoped that this will help the development achieve that aims of the National Planning Policy Framework's Policy 69 (safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion) Dacorum Core Strategy policies CS12 (safe access, layout and security) and CS13 (pedestrian friendly, shared spaces in appropriate places).

## Hertfordshire Fire & Rescue Service

HRFS has examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate.

Further comments will be made upon the receipt of the Building Regulations application.

## Thames Water

### *Surface Water Drainage*

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

Recommended that the applicant ensures 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 groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Reason

- to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes shared your neighbours, or are situated outside of the property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should the proposed building work fall within 3 metres of these pipes Thames Waters should be to discuss their status and to determine if a building over / near to agreement is required.

#### *Sewerage infrastructure capacity*

No objection.

#### *Water Supply*

This is addressed by the Affinity Water Company.

#### Affinity Water

Comments awaited.

#### Historic England

The proposed works of demolition would be limited and would not seem to affect the more significant element of the building. The subdivision of the house into 4 flats would substantially affect its character.

Langley House is as substantial building whose settling appears to have been eroded by modern development. Development to the rear would seem likely to erode it further, to the detriment of the house's character.

The NPPF provides clear policies for conservation of the historic environment and of designated heritage assets in particular 7, 14,17, 131 132.

The Council should consider whether the proposal work would harm its significance , and whether the development to its rear would harm that of Langley House. Should either proposal entail such harm the Council should weigh that harm against such public benefit as the proposals might provide , in accordance with the Framework ( NPPF 134

#### Ancient Monuments Society/ Council for British Archaeology/ Society for the Protection of Ancient Buildings/ The Georgian Group/ The Victorian Society

No responses.

#### Response to Publicity / Site Notice/ Neighbour Notification

##### *16 York Close*

Will there be a secure lorry off loading bay in the High Street?

How will the excavation spoil be removed?

How many High Street car parking spaces will be taken up by the construction hoarding?

Will the local shop keepers be compensated for the loss in trade?

Can Section 106 be invoked for the benefit of the shop keepers and Kings Langley residents?

If access is from the High Street, a detailed logistics plan and vehicle management strategy is surely required before planning permission is considered.

Or, is the site to be serviced from the rear public car park?

This will mean a loss of premium public car parking spaces forcing more cars to park on the pavements of the surrounding streets.

How many spaces will be lost?

How will the many large construction vehicles be managed, loaded / off loaded and manoeuvred in such a tight space?

Again, a detailed logistics plan and vehicle management strategy is surely required before planning permission is considered.

With 7 properties and a total of 13 bedrooms, there is the potential of 13 car parking spaces required. With only 3 on site, where are the other 10 going to park? As a local resident, I don't want any more pavement / street parking. On street parking is a real problem in Kings Langley and it is not good enough for the authorities to bury their heads in the sand and hope it will go away!

Surely, the application has to provide adequate off street parking in line with Dacorum polices for the 7 properties.

It is a sad situation we are in where there is more concern about bats than the local residents environment and businesses issues. I know we have to move forward and get the most out of our existing housing stock and land assets but it must be to the benefit of all and not just the few.

### *7 York Close*

The total density of units is far too high for such a small area - 14 bedrooms, potentially 14 cars. Where will they park with restricted parking on the High Street, the threat of charging in the car park will result in parking on Langley Hill and nearby closes.

The nearest unit to our garden is very close and would be visually intrusive to our garden and property. The next nearest unit in the garden is very close to the south wall and will be clearly visible to our detriment.

The entrance to the whole development is very tight - how will fire engines, ambulances gain access?

There is a grave danger for pedestrians walking along the pavement- there would be very restricted views for cars entering/leaving the property.  
All in all too high density, especially for a listed property.

### *Langley House*

From the plans it is not clear how tall the new buildings at the back of the existing property will be. If they are taller than our wall then our garden will be directly overlooked to which I would be seriously opposed. Seek would like clarification from the Council ..

### *1 Edmund's Mews*

The plans do not appear to consider the requirements in relation to parking for a total of seven units. What parking is shown it is very limited. Please could you clarify how the parking will be managed and where this will be placed on the development so that it does not interfere with the existing premises enjoyment of my/their own homes/gardens.

Further, the parking on the High Street is already overloaded and access to/from Edmund Mews is often blocked or restricted by vehicles parking in this area. Please could you confirm what, if any, plans have been proposed to deal with the increased traffic.

The proposed path (?) which appears to run along the side of the existing wall abutting 1-3 Edmund Mews properties. It is assumed that this is a path and not a driveway. The elevation of this path is critical as people walking along it will potentially be able see directly into the back gardens/conservatories of Edmund Mews. This would be a significant change to the current situation and unacceptable. Any change in elevation might also impact on the security of the property and this should be taken into account. Request for the Council to confirm that the changes/plans will not impact on the elevation of the land running alongside the wall with Edmunds Mews.

## **Considerations**

### Policy and Principle

The principle of new housing is acceptable.

Core Strategy Policy CS 1 supports 'Large Villages' such Kings Langley accommodating new development for housing. This is provided it satisfies a range of criteria. These include that it is of a scale commensurate with the settlement and the range of local services and facilities, helps the vitality and viability of the settlement and there is no damage to the existing character.

The principle is reinforced by Policy CS4. There is no objection in principle to housing development in this general location which straddles the Local Centre and Residential Area designations.

The proposal also accords with Policy CS17 in providing additional housing and retaining the existing. Policy CS18 supports a mix of housing.

Also whilst the existing building has a High Street frontage the ground floor does not form part of the identified Shopping Area of the Kings Langley Local Centre Frontage under saved DBLP Policy 43

Impact upon the Listed Building /Setting of adjoining Listed Buildings/Design /Layout/Character and Appearance of the Conservation Area

This is with due regard to Policies CS 10, CS11 CS12, CS13 and CS 27 and saved DBLP Policies 19, 119 and 120 and its relevant Appendices.

The reinvigoration of the site is supported in principle as confirmed by the Conservation Officer. As clarified by the CO this is not a straightforward development proposal.

In considering the application holistically due weight should be given to the respective specialist advice of Historic England and the CO. This is in conjunction with the site conditions and the opportunity for redevelopment, with due regard to applying flexibility in assessing the existing layout/ parking standards and the Applicant's viability issues.

Key Issues/ Outcomes are the following with regard to the CO's specific advice :

1. Condition of the Building.

According to the CO the property is structurally sound and whilst in need of redecoration and repair internally the CO does not consider it to be presently 'at risk'. The Applicant has since confirmed the outcome the subsidence assessment and has a different view.

2. Principle.

Whilst the principle of converting 44 High Street is acceptable the subdivision of the main house into four separate units, the CO's initial assessment considered that it would harm the layout and character of the interior of this Grade II listed building. However see below.

3. Initial Viability assessment.

The CO considered this lacked substance to justify its conversion to 4 units and the construction of 3 further units in the rear garden. There was a request for a more detailed viability statement supported by more facts / figures. However it was accepted at the pre-application stage that the property is fairly large and there would be scope to convert it to separate residential units.

4. A Way Forward.

As observed by the CO the listed building has been vacant for a few years, is beginning to fall into a state of disrepair and attempts to sell the property as one unit has not apparently been successful.

Therefore CO noted whilst neither of these are a reason to approve the scheme they could provide weight to the proposals. The NPPF requires the Council to weigh up any harm to the listed building against any public benefit the proposed conversion may provide (para. 134). It was therefore concluded that an enhanced viability statement would help justify the harm to the grade II listed building.

5. Revised Viability Statement.

The CO acknowledges the viability issues giving weight to a generally positive overall approach to the proposals..

6. Internal Changes to the Listed Building.

As explained by the CO the current application entails limited physical alteration to the listed building.

However the subdivision will involve blocking up of openings, the creation of new openings and insertion of fire / sound proofing measures – all of which will have some degree of harmful impact upon the internal character of the listed building. With some 'fine tuning 'in reconciling the heritage implications with Building Regulations (Fire. Noise)- which can be relaxed for listed buildings- there are no overriding objections. Conditions aim to address these circumstances.

## 7. External Changes to the Listed Building.

The external appearance of the main house will remain unaltered, existing windows and doors are all proposed to be retained and renovated and no replacements are proposed. The proposed alterations to the stable block require some re-evaluation but are not fundamental. Conditions can address these.

## 8. Rear Garden Development.

According to the Applicant this is a fundamental pre requisite for facilitating/ enabling the conversion.

Since the receipt of Historic England's response and the COs initial advice the Applicant has provided a levels drawing showing the relationship of the proposed buildings to their surroundings .

With some 'fine tuning' of the detailed external design, the impact would be neutral to the wider setting of the respective listed buildings and the Conservation Area.

It is fully acknowledged that the private gardens for the new dwellings are very limited and well below the DBLP Appendix 3 standards. However they are south facing, useable and will have privacy. The limited size of the respective gardens has to be balanced against the adjoining significant benefits of the communal landscaped area.

In assessing the role of this part of the proposal it should not be in isolation. There needs to be the collective consideration of the visual context (the site conditions and surroundings/ setting ) and the development's layout, form/ design and amount . This is in addition and parallel to applying some flexibility to the specified standards for garden sizes and parking in order to achieve a high quality design and layout. This land does not lend itself to a 'standard' approach in terms of applying saved DBLP's Appendix 3's spacing and garden sizes and the parking standards. To do so would significantly stifle the opportunity for innovative approaches to design and layout. In particular it would undermine the role of the communal structural landscaping.

The benefits of the large communal landscaped area is the key 'visual fulcrum' to the whole scheme, reinforced by the footpath link to the public car park. It is the 'glue' that creates a cohesive approach to the whole layout.

Overall the layout prevents a clash between 'old ' and 'new'. The setting of the listed building will not be affected by the new buildings which are very different in design. The layout enables each distinctive part of the development to separately benefit from the ' green setting ' provided by the communal structural planting .

In itself the new building forms a visually cohesive block quite subtly located in relation to the converted historic existing buildings around the courtyard with the communal structural planted / landscaped area creating the visual focus from the arched entrance important **replicating in part the role of the existing garden**. This will be reinforced by the effect of the very limited curtilage parking served by the necessary turning area, with an emphasis upon parking for persons with disabilities/ limited mobility. The low key car parking will be visually and discretely integrated within the layout at a key transitional point set against the higher large area of planting which will create a visual buffer to the site.

The collective effect of the layout , positions and heights of the buildings, levels, limited parking and the fundamentally pivotal important role of the communal structural planting should maintain the historic identity and setting of the listed building remaining in its 'garden setting context. At the same time the new building will establish its own identity and context , ensuring a careful balance between the existing and new building, with the linking internal footpath integrating the development.

Materials will be key to the overall appearance, in addition to the location/ design of the refuse bin store.

As a contrast if there was adherence to the normal parking standards this would result in the rear garden converted into parking/ garaging with the potential to visually dominate and sterilise the rear of the site. Moreover there would be adverse highway safety implications associated with the level of use of the access.

Therefore the opportunity to re-energise the site is dependent upon the need for flexibility to achieve the design/ layout benefits.

#### Impact upon the Residential Amenity of Existing Dwellings

Despite the smaller gardens, based upon the expectations of Core Strategy Policy CS12, the site conditions and the submitted documentation, the development would be compatible with adjoining residential development. This is in terms of physical impact, privacy, the receipt of sun and day light and noise/ disturbance and takes into the effect of lowering the ground level with the proposed floor level by approximately 0.8m.

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

Recent Background Information. Following dialogue between HCC Highways the Applicant, has confirmed:

- Servicing- Refuse would be collected from council waste bins which would be placed at the kerbside on collection days.
- Deliveries – These would be made to the kerbside of the property as they are at present like the other residents in the street.
- Access- Utilising the site's lawful vehicular access. The aim has always been to minimise any impact on the vehicular access to the site. There will be a net decrease in two way movements onto the highway network, as a residential C3 dwelling of this size would generate not only more in vehicular trips but also the amount of off street parking that would be utilized in the current courtyard. Highway Safety/ Access/ Traffic Generation. By restricting the amount of curtilage parking and the need to maintain adequate turning space to enable ingress/ egress in forward gear there will be limited movements across the existing access. This will be in the interests of pedestrians and motorists.
- Sustainable Location. The site's location is ideal in this central village location with access to a range of facilities and services, with bus stops on the main A41 route nearby. The cycle provision will complement this advantage.
- Parking. This is low level of on site parking has also taken into account the sustainable location, the gated access to Kings Langley centre car park enabling residents to use the car park, the environmental effect of more parking within the site and the importance of limiting the number vehicular movements in terms of pedestrian safety from the access onto the highway.
- Inclusive Access/ Access for Persons with Disabilities/ Limited Mobility. All the dwellings will have access to the 3 wider spaces. It will be necessary for the new buildings to be served with levels to ensure that the ramps/ layout provide access.



General Access. Hertfordshire County Council Highways have raised no highway safety/ access objections.

Fire access. The restrictive effect of the archway access prevents tenders entering the site. However Hertfordshire Fire Service is satisfied with the scheme / layout. This will have taken into account the separation distance from the highway and the availability of a fire hydrant. This is set against the usual requirement for fire appliances to be within 45 metres of all parts of dwellinghouses and that part of the furthestmost dwelling on the proposed layout exceeds this, albeit it is partially achieved to the front door of this proposed new dwelling. A dry riser or similar provision of internal fire mains and other facilities at the entrance archway to mitigate this small shortfall to this one property is indicated along the northern boundary.

Pedestrian access from Kings Langley Car Park. This pedestrian link is a benefit FOR residents and visitors.

Refuse. This will be necessary from the site frontage on collection day. A communal bin store is a recommended condition.

Parking. In this location in applying it is expected that between 7 and 9.5 spaces should be provided under the Accessibility Zone assessment. Given the sustainable location the lower level can be applied. The proposal's 3 spaces is however significantly below this. Justification for such takes into account the availability and accessibility of the adjoining public car park from the site, the safety implications of the increased use of the access and additional on site parking would compromise the overall layout. It is feasible for the current layout to accommodate one additional space.

#### Ecological Implications/ Biodiversity

An additional bat/ habitat survey is necessary based upon Hertfordshire Ecology's advice. Depending upon the findings this may have implications for the final design/ layout. If a roost is confirmed and/or high levels of bat activity are recorded during further surveys, this would indicate an increased likelihood of the cellar being utilised by hibernating bats.

New planting in the communal landscaped area would benefit urban biodiversity.

#### Flooding/ Drainage

There are no fundamental issues. A condition should address the details, including sustainable drainage, taking into account no soakaways should be installed on contaminated land.

#### Contamination and Land Stability

Contamination can be addressed by conditions given the site's former land use.

There is no evidence available to the local planning authority regarding land stability. An informative is recommended.

#### Archaeological Implications

A condition is recommended.

Note: The submitted supporting report notes:

Evidence for each of the phases of the building's development survives within the fabric of the building, and also in many of the fixtures and fittings that are present within the property.

It is understood that the current development will be carried out sensitively, and much of the historic character of the building will be retained.

There may be some negative impact on the historic fabric of the building during building works, but this could be mitigated by the implementation of a historic building watching brief during these works, to ensure the proper recording of any affected areas. This may also contribute to a better understanding of the development of the building through its different phases of use.

#### Crime Prevention/Security

There are no apparent fundamental objections. The layout ensures excellent natural surveillance. The installation of a locked rear gate to the public car park would be essential.

#### Approach to Sustainable Construction

The Council will expect that there is full attention to this in accordance with Policy CS29. and is addressed by a recommended condition.

#### External Lighting

This should be kept to a minimum and subject to a condition.

#### Affordable Housing / Planning Obligation

No affordable housing will be required due to the number of units and the development's floorspace.

#### Environmental Impact Assessment

This is not be necessary.

#### Conditions

These are wide ranging to reflect the site conditions and the responses of the respective technical consultees.

#### **Conclusions**

According to the Applicant a lower density development for the site is 'viability challenged'. The layout ensures maintenance of the listed building's long established green setting by re-interpreting the role of part of its garden through an innovative approach to the communal structural soft landscaping. This area visually integrates the two components of the development reinforced by the important role of the connecting footpath to the public car park. The setting of both parts of the development will benefit from the position of the communal planting.

It is fully acknowledged that the normal parking and garden standards are not complied

to, however this is actually what makes the scheme work, functionally, environmentally and viably in a very sustainable location. A different scheme involving less dwellings would not apparently deliver the necessary enabling development achieved through building at the rear of the site in this proposed holistic approach. A lower density scheme would however potentially generate more vehicular movements if maximum parking standards are applied using the existing access onto the High Street where pedestrian, motorist and cyclists safety is paramount and result in a far less innovative design approach.

Therefore, in this highly sustainable location the proposal provides an opportunity to reinvigorate the site in the centre of Kings Langley if a flexible approach is adopted in applying the LPA's saved DBLP standards for parking and layout. In this context the application is recommended for permission Subject to the imposition conditions.

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## **ANNEX A: Proposed viability and development considerations**

The financial cost of repairing and retaining most of the original grade 2 listed properties is only financially viable with the sub division and creation of new dwellings in the rear garden area. The design is very sympathetic to the historic fabric of 44 High Street and our impact assessment shows that we are reinstating several key features such as original stairs etc retaining original staircase, windows, doorways and room layouts etc. With minimal renovation where ever possible. And as stated in the impact assessment the new rear dwellings will have a neutral impact on the historic fabric of 44 high street. Alongside this our sun light and daylight, over shadowing report also reveals that these new dwellings will have no physical impact on the surrounding neighbours on any sides.

Without such a scheme of 4 units in the existing property and 3 new dwellings(which have been negotiated over many months and supported at officer level and with conservation and your consultees) the renovation of the 44 High Street and its features would not take place. The number of units proposed in the scheme, allows the proposed development to release funding for this renovation and also will allow 44 High Street to be an integral part of Kings Langley history for many years to follow and breathe new life into this grade 2 listed property.

If repair or refurbishment is not undertaken soon then the building will fall into a serious condition. As a company the Applicant has previously undertaken conversions and refurbishments of other listed buildings working with the local authority to retain these buildings that otherwise would have not survived.

And as all are aware the building works on listed buildings are both time consuming and expensive in nature and as well as the items visible there could be other issues not seen at present such as subsidence and many more unforeseen that wouldn't present themselves until we started the construction phase.

This coupled with the Applicant's s revising schemes and reducing the number of units, room sizes, ensuites etc as below and being sensitive with the design leaving original features in place with 4 large apartments means we feel we have done everything within our power to appease everyone, meet the council's planning and building regulations requirements and also make the project financially viable for ourselves.

There are proposed a total of 4 apartments (3 in the main house and 1 in the stable block) and 3 new builds at the rear making a total of 7 units.

They are all arranged so that nearly all of the upper floors accommodation is directly above their living accommodation with exception of that above the living room unit 2, but is living room over living room which is an accepted preferred arrangement

To unit 1 the proposal includes our agreement to the exclusion of the earlier proposed staircase to the front room and the reintroduction of the original staircase thereby allowing these front rooms onto the street at ground level and first floor levels to be retained in their current configuration, bedroom 2 has been kept the same size space which was considered important as this being the oldest part of the original building

A new stair has been added in unit 2 is arranged in the more modern central rear

extension which was built more recently than the front part of the property

The Applicant has taken on board the LPA's comments as above but also since the first proposal, removed 1 unit from the plans taking number of 5 to 4 units, removed the basement, staircase in oldest part of house living room, side extension to stable block, utilized 2 original staircases, amended the main bathroom and kept original features such as bedroom store cupboard etc now throughout the conversion and limited any works to the oldest part of the house,

Within the existing main building and in relation to the subdivision to provide 2 or 3 units in coming to our final architectural proposal the Applicant has considered a numerous options, and have previously concluded that conversion into 2 units would produce houses with sizes of over 150 sqm both would be large properties. Between them only one existing High Street entrance door is available, as we wished, and are required to retain the front elevation ( with 3 structural openings at ground floor level) as intact as far as possible. Even without the new build the houses these 2 would have a poor relationship to garden space and to car parking arrangement and could not offer suitable accommodation that would attract higher values which must be achieved if only 2 units were required.

In considering the conversion into 3 dwellings this is not realistic, in that the connection of the accommodation to the rear stable block to the potential connection zone in the front house, long circulation areas would require resulting in an expensive and ineffecient plan layout. These houses would be in the order of 100sqm each and also with less than ideal setting and ancillary facilities, that would fail to attract the essential higher values required.

The Applicant consider that this latest proposal provides a well balanced approach in that it allows a sensitive conversion, maximise the use of the accommodation and secures the retention and refurbishment of the building to a good state of repair together with the proposed new building accommodation would not otherwise be economically possible, and this allows us to breathe new life into the property for many years to come.

The submitted scheme makes the project financially viable. The financial calculations that have been carried out have utilized the current construction rates and normal levels of developers return on investments.

The Applicant believes everything has been to satisfy all parties and have dealt with all matters such as lowering the new builds ( again at expense) to have a neutral effect on the garden and limit any physical impact on neighbouring areas on all sides. Produced a car parking layout which limits the physical impact and vehicular access onto the highways and arch way. Design 4 apartments that take into consideration the historical fabric and value of 44 high street, reinstating old features and keeping features throughout.

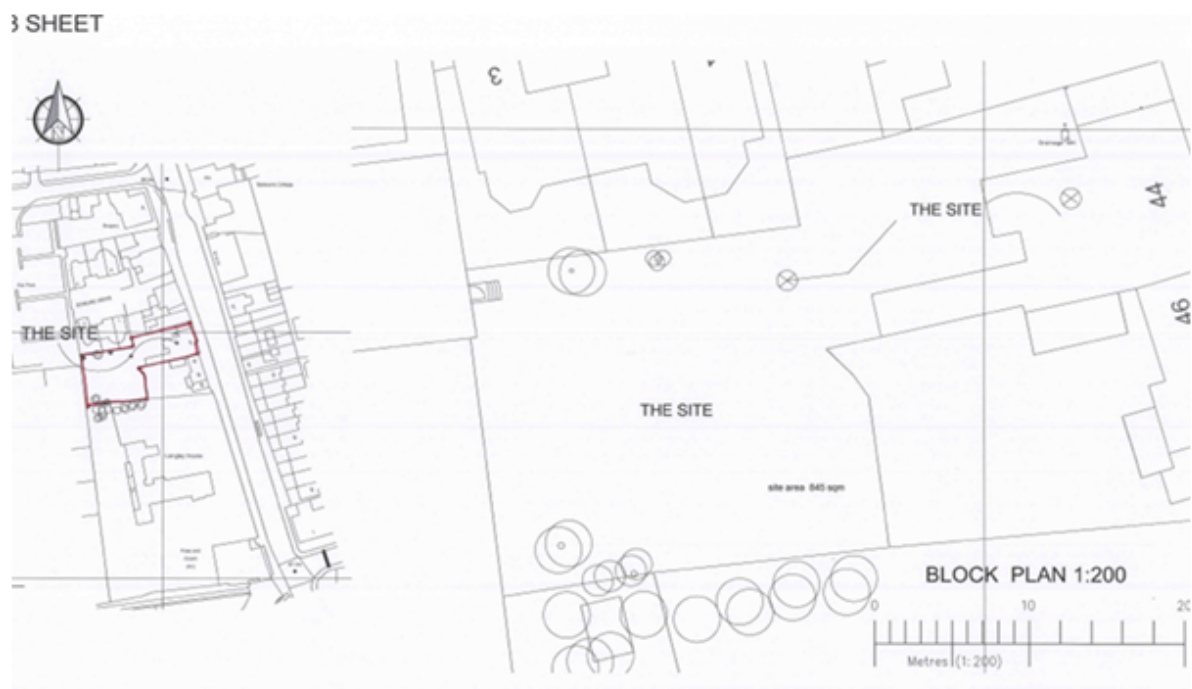
The Applicant has produced specialist reports substantiating all of the above. It has also dealt with all enquires as they have come forward and had very positive feedback from neighbours and consultees hi-lighting that this project is viable as we have presented it within the community .

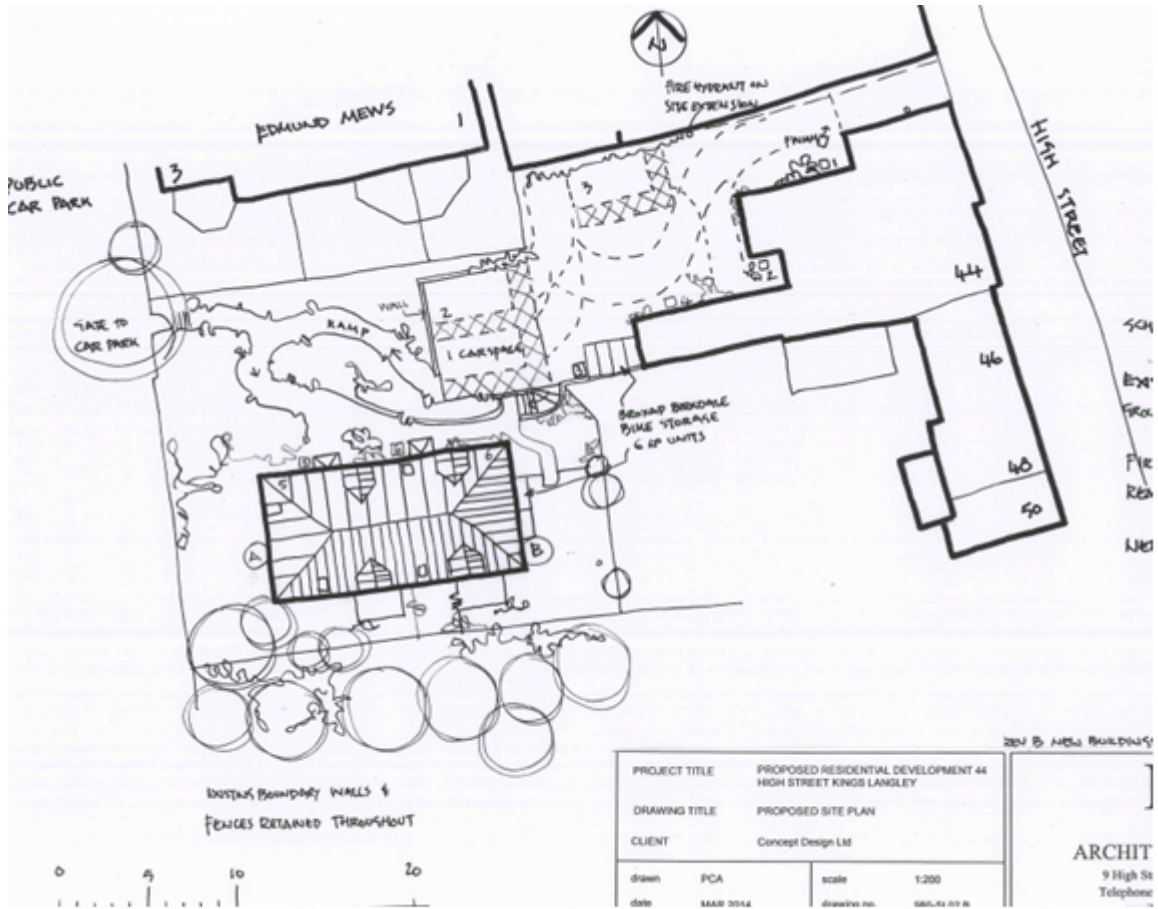
The Applicant trusts that the above satisfies your requirements and that this application can be seen as a well considered proposal and that can be supported by the Planning Authority.

## Item 5.02

**4/01389/15/LBC – CONVERSION OF EXISTING BUILDINGS TO CREATE 2 X TWO BEDROOM AND 1 X THREE BEDROOM FLATS. CONSTRUCTION OF 2 TWO BEDROOM 1.5 STOREY DWELLINGS TO THE REAR OF THE PROPERTY WITH ASSOCIATED ANCILLARY WORKS**

**44 HIGH STREET, KINGS LANGLEY, WD4 9HT**







**4/01389/15/LBC - CCONVERSION OF EXISTING BUILDINGS TO CREATE 2 X TWO BEDROOM AND 1 X THREE BEDROOM FLATS. CONSTRUCTION OF 2 TWO BEDROOM 1.5 STOREY DWELLINGS TO THE REAR OF THE PROPERTY WITH ASSOCIATED ANCILLARY WORKS..**  
**44 HIGH STREET, KINGS LANGLEY, WD4 9HT.**  
**APPLICANT: Mr Cain.**

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[Case Officer - Nigel Gibbs]

## **Summary**

The application is recommended for approval.

The proposal provides an opportunity to reinvigorate this empty listed building. There will be some inevitable change and harm to its internal character through the subdivision with the overall benefit resulting from its re use and reinvigoration, with the effects controlled through the imposition of conditions.

## **Background**

The application was considered by the DCC at the meeting held on 9 July 2015 in association with Application 4/ 01388/15/FUL.

A decision upon the application was deferred in conjunction with Application 4/01388/15/FUL.

## **Additional Representations**

See Additional Representations Section on application 4/01388/15FUL.

## **Considerations**

None of the reasons why DCC deferred this application directly relates to the direct effect upon the listed building.

Subject to the imposition of conditions there are no objections to the proposal.

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 Notwithstanding the submitted details no works hereby approved shall commence until full schedule of all materials including samples to be used in the refurbishment and alteration of all internal and external parts of the listed building including replacement of the existing materials shall have been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with**

**the approved details.**

Reason: To ensure that the works are compatible with the setting of the existing listed building to accord with the requirements of Policy CS27 of the Dacorum Core Strategy and the saved Policy 119 of the Dacorum Borough Local Plan.

- 3 Notwithstanding the submitted details no works hereby approved shall commence until full schedule of all internal works are submitted to the local planning authority. The works shall be carried out in accordance with the approved details.**

Reason: To ensure that the works are compatible with the setting of the existing listed building to accord with the requirements of Policy CS27 of the Dacorum Core Strategy and the saved Policy 119 of the Dacorum Borough Local Plan.

- 4 Notwithstanding the submitted details no works shall be undertaken to reduce the external door openings of the former stable block attached to the existing (listed) building until details of the brick mortar, mix and brick bonding to be used have been submitted to and approved in writing by the Local Planning Authority. The works to the openings shall then be carried out in accordance with the approved details.**

Reason: To ensure that the works are compatible with the setting of the existing listed building to accord with the requirements of Policy CS27 of the Dacorum Core Strategy and the saved Policy 119 of the Dacorum Borough Local Plan.

- 5 Before the commencement of the development hereby permitted and notwithstanding the submitted details, a full and detailed schedule of all external and internal changes to the existing (listed) building is to be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out fully in accordance with the approved details.**

Reason: To ensure that the works are compatible with the setting of the existing listed building to accord with the requirements of Policy CS27 of the Dacorum Core Strategy and the saved Policy 119 of the Dacorum Borough Local Plan.

- 6 Notwithstanding the submitted details hereby approved no services pipework shall be installed on the exterior elevations of the existing (listed) building, and any attached structures, without details (to include scaled elevation drawing to proposed location) having been submitted to and approved in writing by the Local Planning Authority prior to undertaking the works. The works shall then be carried out in accordance with the approved details.**

Reason: To ensure that the works are compatible with the setting of the existing listed building to accord with the requirements of Policy CS27 of the Dacorum Core Strategy and the saved Policy 119 of the Dacorum Borough Local Plan.

- 7 **Notwithstanding the submitted details hereby approved no works shall be commenced until full details of the design and finish of window(s), roof- lights and door(s) (external and internal) to the existing (listed) building, and attached structures, have been submitted and approved in writing by the Local Planning Authority. The details shall include scaled drawings of the window (s) and door(s) at a scale of 1:10 and are to be accompanied by horizontal and vertical cross sections, shown in relation to the surrounding fabric, along with moulding and glazing bar detail shown at 1:2 scale. The works shall then be carried out in accordance with the approved details.**

Reason: To ensure that the works are compatible with the setting of the existing listed building to accord with the requirements of Policy CS27 of the Dacorum Core Strategy and the saved Policy 119 of the Dacorum Borough Local Plan.

- 8 **Notwithstanding the submitted details hereby approved no works shall be commenced until full details of the design and finish of window(s), roof- lights and door(s) (external and internal) to the existing (listed) building, and attached structures, have been submitted and approved in writing by the Local Planning Authority. The details shall include scaled drawings of the window (s) and door(s) at a scale of 1:10 and are to be accompanied by horizontal and vertical cross sections, shown in relation to the surrounding fabric, along with moulding and glazing bar detail shown at 1:2 scale. The works shall then be carried out in accordance with the approved details.**

Reason: To ensure that the works are compatible with the setting of the existing listed building to accord with the requirements of Policy CS27 of the Dacorum Core Strategy and the saved Policy 119 of the Dacorum Borough Local Plan.

- 9 **Notwithstanding the submitted details hereby approved all rainwater goods are to be in metal with a black painted finish.**

Reason: To ensure that the works are compatible with the setting of the existing listed building to accord with the requirements of Policy CS27 of the Dacorum Core Strategy and the saved Policy 119 of the Dacorum Borough Local Plan.

- 10 **Notwithstanding the submitted details hereby approved the historic fabric of the building where damaged, shall be repaired on a 'like for like' basis, to match the original.**

Reason: To ensure that the works are compatible with the setting of the existing listed building to accord with the requirements of Policy CS27 of the Dacorum Core Strategy and the saved Policy 119 of the Dacorum Borough Local Plan.

- 11 **Subject to the requirements of the other condition of this consent the works hereby approved shall be carried out in accordance with the following drawings:**

**980 AL01 to 12  
980 SL 01 to 02**

Reason: For the avoidance of doubt.

ARTICLE 31 STATEMENT

Listed building consent 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

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**ORIGINAL REPORT TO THE DCC : 9 JULY 2015**

**Summary**

The application is recommended for approval.

The proposal provides an opportunity to reinvigorate this empty listed building. There will be some inevitable change and harm to its internal character through the subdivision with the overall benefit resulting from its re use and reinvigoration, with the effects controlled through the imposition of conditions.

### **Site Description**

See Report 4/01388/14/FUL.

### **Proposal**

This is for the building's conversion into 4 flats and its associated renovation. This comprises of one 1 bedroom, 2 two bedroom and one 3 bedroom flats.

Part of the main loft void will be converted into residential use and the whole building will be re-roofed. There are no planned works to the basement/ cellar. The conversion would incorporate sound and fire insulation.

A copy of the Revised Viability Assessment is at Annex A for Report 4/01388/14/FUL.

For clarification the Applicant recently confirmed:

- Viability: Over 50 % of the construction costs are to reinvigorate no. 44. The 4 units and 3 houses at the rear enable this.
- Buildings at Risk : Recent property valuation. A specialist subsidence insurance at great expense has been necessary after the latest surveyor's valuation report to the Applicant's lenders. The surveyor for the lender was extremely concerned at the property's structural condition.
- The surveyors report was so critical that the completion on the house almost didn't happen as several lenders were put off by the issues that 44 High Street currently faces.
- The neighbours next door are also experiencing cracking from the joining party wall and are worried at this continuing with roof tiles sliding and damaging their property.

### **Referral to Committee**

The application is referred to the Development Control Committee due to due to the contrary views of Kings Langley Parish Council regarding the parallel Planning Application

### **Planning History**

See Report 4/ 01388/14/FUL.

### **Policies**

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan

Policy 119

Supplementary Planning Guidance / Documents  
Environmental Guidelines (May 2004)  
**Representations**

Kings Langley Parish Council

The Council objects to this application as it considers that the development would be an over-cramping of the site and that there is insufficient parking provision for the number of dwellings.

Conservation & Design

*Initial Advice*

The property is Grade II listed and dates to the 17<sup>th</sup> century or earlier, it has a timber frame core with the front in red brick (19<sup>th</sup> century) and comprises various phases of construction. At its north end is a gated carriageway entrance to the rear of the site. The property lies in a prominent corner position on the High Street, within the Kings Langley Conservation Area. To the rear, and adjoining the house and forming part of the listed building is a small stable block. The garden extends to the rear and the ground level rises up considerably.

The property is of a good size and has functioned as a family home during the 20<sup>th</sup> century, it has been used in part as offices in the past and as flats but is currently one unit.

The application includes a detailed Historic Building Appraisal which adequately details the history, fabric and development of the listed building and assesses the impact of the proposals on the listed building.

The property is structurally sound and whilst in need of redecoration and repair internally CO does not consider it to be 'at risk' at this present time. The applicants have submitted a viability statement attempting to justify its conversion to 4 units and the construction of 3 further units in the rear garden, this statement lacks substance and CO would like to see a viability statement that is backed up by more facts / figures. However it has been accepted at the pre-application stage that the property is fairly large and there is scope to convert it to separate residential units. At the pre-app stage CO raised concerns regarding the conversion of the property to 5 units and the impact upon the fabric and character of the listed building; now a total of 4 units are proposed, 3 units in the house and 1 unit in the stable block.

Following an extensive amount of pre-application discussions the current application entails limited physical alteration to the listed building however the subdivision will naturally entail blocking up of openings, creation of new openings and insertion of fire / sound proofing measures – all of which will have some degree of harmful impact upon the internal character of the listed building. The external appearance of the house will remain unaltered, existing windows and doors are all proposed to be retained and renovated (no replacement is proposed).

There are a number of historic doors within the property, a couple with older spring latches and some vertical board doors. It is likely that the creation of four separate flats

will entail the need to block many of these openings up, insert fireproof partitions / doors etc. which will harm the character and internal fittings of the listed building.

I would like to see the door between rooms F1 and F2 (both flat 3?) retained, it is a late 18<sup>th</sup> century panelled door with a spring latch and if within the same flat I believe this could be retained in situ and nailed shut if necessary.

The cupboard in room F4 is to be retained and the former stairs (now part of a cupboard) leading from G6 to F5 will be used again, this re-instates the older staircase within the oldest part of the property. Other historic doors and door frames can potentially be fireproofed and re-used rather than replaced.

It is recommended the roof-lights to the rear elevation (for the attic conversion) are either a single roof-light (enlarged) or the two roof-lights are placed further apart. External alterations to the stable block are proposed, inserting windows where there are doors currently existing. In principle this is acceptable as the building will be put fully into residential use thereby keeping it in a better state of repair.

The proposed fenestration does seem rather muddled and the proposed French doors and side lights to the large front opening is overly domestic in character and should be simplified. It is suggested the full opening is infilled with framed glazing, with the central doors opening and side lights – no glazing bars. The front door can have glazing in its upper part but a reduced amount. It would reduce the domestic appearance of this converted stable building if the door closest to the house could also feature a fully glazed window (non-opening) or remain as a timber door.

The other window within the upper part of the existing door opening is acceptable but the glazing bars should be omitted or reduced to a single glazing bar.

The rear development. 44 High Street has a good sized garden area to the rear, it also extends to the west to the rear of 46 – 50 High Street, the land level rises up considerably to the rear. Whilst any development is unlikely to be easily visible from the street scene it may be visible from the car park on Langley Hill and due to the raised levels to the rear any development will have an elevated position. The impact upon the setting of the Grade II\* Langley House will also need to be considered, following a site visit I did not consider the new development would have a neutral impact in terms of its harm to the setting of Langley House. In terms of design CO appreciates the reason for hipping the roof ends etc to reduce bulk however CO considers the design could be improved and probably the flint panels omitted. The blank east elevation of the westernmost property is unfortunate and the dormer looks too cramped in this position.

Cycle and refuse storage has been indicated on the site plan adjacent to the rear of the stable building but not shown on elevation plans. Can this be clarified.

Whilst the principle of converting 44 High Street is acceptable the subdivision of the main house into four separate units is considered to harm the layout and character of the interior of this grade II listed building. However, CO is aware that the listed building has been vacant for a few years and is beginning to fall into a state of disrepair; furthermore it seems as if attempts to sell the property as one unit have not been successful; whilst neither of these are a reason to grant consent they could provide

weight to the proposals. The NPPF requires the Council to weigh up any harm to the listed building against any public benefit the proposed conversion may provide (para. 134).

Suggest an enhanced viability statement would help justify the harm to the grade II listed building.

The revisions suggested above to the fenestration of the stable block and a reconsideration of the design / appearance of the rear development would be welcomed.

#### *Response to the Revised Viability Assessment*

If the suggested amendments regarding the listed building are provided (as per the applicant's additional submission) the CO would be happy to recommend approval of the proposed scheme (subject to a number of conditions).

#### Historic England

The proposed works of demolition would be limited and would not seem to affect the more significant element of the building. The subdivision of the house into 4 flats would substantially affect its character.

Langley House is a substantial building whose setting appears to have been eroded by modern development. Development to the rear would seem likely to erode it further, to the detriment of the house's character.

The NPPF provides clear policies for conservation of the historic environment and of designated heritage assets in particular 7, 14, 17, 131 132.

The Council should consider whether the proposal work would harm its significance, and whether the development to its rear would harm that of Langley House. Should either proposal entail such harm the Council should weigh that harm against such public benefit as the proposals might provide, in accordance with the Framework (NPPF 134)

#### Ancient Monuments Society/ Council for British Archaeology/ Society for the Protection of Ancient Buildings/ The Georgian Group/ The Victorian Society

No responses.

#### Response to Publicity / Site Notice/ Neighbour Notification

See Report 4/ 01388/14/FUL.

#### **Considerations**

This focuses upon the effect upon the character and appearance of the listed building.

This is with due regard to the expectations to Policies CS 27 and saved DBLP Policy 119.

The building's subdivision and resultant reinvigoration of the site is supported in principle by the Conservation Officer.

However, as clarified by the CO this is not a straightforward proposal. In considering the application due weight should be given to the respective specialist advice of



Historic England (HE) and the LPA's Conservation Officer (CO).

It is understood that HE's representative has not visited the site. HE has not been consulted upon the Revised Viability Statement.

As previously clarified the proposed development of the rear of the site is enabling development necessary to facilitate the conversion.

Key Issues/ Outcomes are the following with regard to the CO's specific advice :

#### 1. Condition of the Building.

According to the CO the property is structurally sound and whilst in need of redecoration and repair internally the CO does not consider it to be presently 'at risk'. The Applicant has since confirmed the outcome the subsidence assessment and has a different view.

#### 2. Principle.

Whilst the principle of converting 44 High Street is acceptable the subdivision of the main house into four separate units, the CO's initial assessment considered that it would harm the layout and character of the interior of this Grade II listed building. However see below.

#### 3. Initial Viability Assessment.

The CO considered this lacked substance to justify its conversion to 4 units and the construction of 3 further units in the rear garden. There was a request for a more detailed viability statement supported by more facts / figures. However it was accepted at the pre-application stage that the property is fairly large and there would be scope to convert it to separate residential units.

#### 4. A Way Forward.

As observed by the CO the listed building has been vacant for a few years and is beginning to fall into a state of disrepair and attempts to sell the property as one unit has not apparently been successful.

Therefore CO noted whilst neither of these are a reason to approve the scheme they could provide weight to the proposals. The NPPF requires the Council to weigh up any harm to the listed building against any public benefit the proposed conversion may provide (para. 134). It was therefore concluded that an enhanced viability statement would help justify the harm to the grade II listed building.

#### 5. Revised Viability Statement.

The CO acknowledges the viability issues giving weight to a generally positive overall approach to the proposals.

#### 6. Internal Changes to the Listed Building.

As explained by the CO the current application entails limited physical alteration to the listed building.

However the subdivision will involve blocking up of openings, the creation of new

openings and insertion of fire / sound proofing measures , all of which will have some degree of harmful impact upon the internal character of the listed building. With some 'fine tuning 'in reconciling the heritage implications with Building Regulations (Fire. Noise)- which can be relaxed for listed buildings- there are no overriding objections. Conditions aim to address these circumstances.

#### 7. External Changes to the Listed Building.

The external appearance of the main house will remain unaltered, existing windows and doors are all proposed to be retained and renovated and no replacements are proposed. The proposed alterations to the stable block require some re-evaluation but are not fundamental. Conditions can address these.

#### 8. Conclusion

It is acknowledged that Historic England observe that the subdivision of the house into 4 flats would substantially affect its character. It is understood that HE's representative has not visited the site.

There are no fundamental objections to the conversion. This with due weight given to the observations of the Conservation Officer, acknowledgement of some inevitable harm resulting from the subdivision and the opportunity to impose suitable conditions.

## Item 5.03

**4/01123/15/FUL – CONVERSION OF AN EXISTING STABLES TO FORM A SINGLE FOUR BEDROOM HOUSE WITH GARAGE AND WORKSHOP (REVISED SCHEME)**

**FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW**



Item 5.03

4/01123/15/FUL – CONVERSION OF AN EXISTING STABLES TO FORM A SINGLE FOUR BEDROOM HOUSE WITH GARAGE AND WORKSHOP (REVISED SCHEME)

FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW



**4/01123/15/FUL - CONVERSION OF AN EXISTING STABLES TO FORM A SINGLE FOUR BEDROOM HOUSE WITH GARAGE AND WORKSHOP (REVISED SCHEME)..**

**FLAUDEN HOUSE STABLES, FLAUDEN, HEMEL HEMPSTEAD, HP3 0PW.**

**APPLICANT: Mr Smyth.**

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[Case Officer - Elspeth Palmer]

### **Summary**

The application is recommended for approval.

The proposed development is in line with recent changes to planning policies at local and national level. The Core Strategy, NPPF and the GPDO now encourage the conversion of agricultural/rural buildings to residential. The proposal will reduce the amount of development on the site and result in an overall improvement to the openness of the green belt.

### **Site Description**

The site is located on the eastern side of Birch Lane, Flaunden. This site is set back from the lane and reached via an unnamed access lane which also serves a number of stables and a dwelling. The site comprises a weatherboard timber stable building with laminate roof and timber windows, land to the north which includes an existing horse exerciser and land to the east which has been used for parking of equestrian vehicles. The western side of the site is bounded by a tall row of trees which screens the barn making it less visually prominent to the adjacent neighbours along Birch Lane. The applicant owns most of the land surrounding the site (see Site Plan with red and blue lines).

### **Proposal**

The application seeks planning permission for the conversion of an existing stables, storage room and office to form a two storey four bedroom house with garage and workshop. The proposal includes the addition of 4 roof lights in the western elevation and 6 in the eastern elevation. No extensions are proposed. The new dwelling will be finished in dark timber and the roof with plain tiles. The windows will also be of dark wood construction.

Part of the building will be demolished (92 square metres) to accommodate private amenity space and to provide storage for the dwelling. It is proposed that the horse walker at the rear of the stable would be demolished and the existing hardstanding parking area would be removed and be returned back to Green Belt. It is noted that this parking area does not have planning permission so would be unauthorised.

Floor areas for the proposal include:

Garage - 64 square metres

Workshop - 25 square metres

Stables - 26 square metres

The total floor area for dwelling excluding the above is 356 square metres.

The total floor area for the development is 471 square metres.

## Referral to Committee

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

## Planning History

### Relevant history

**Address** PES EQUESTRIAN CENTRE, BIRCH LANE, FLAUNDEN  
:

4/00201/15/FU CONVERSION OF EXISTING STABLES TO FORM A FOUR  
L BEDROOM HOUSE WITH GARAGE AND WORKSHOP  
Withdrawn  
17/03/2015

4/01569/05/FU STATIONING OF CARAVAN FOR SAFETY AND WELFARE OF  
L HORSES  
Refused  
20/09/2005

4/02292/03/FU EXTENSION TO COTTAGE AND CONVERSION OF ADJOINING  
L STABLES. DEMOLITION OF TACK/FEED ROOM  
Granted  
18/12/2003

4/00567/03/FU DEMOLITION OF EXISTING TACK AND FEED ROOM,  
L CONVERSION OF STABLES AND EXTENSION TO  
ACCOMMODATION  
Refused  
09/05/2003

4/02089/01/CA REMOVAL OF BARN  
C  
Refused  
01/03/2002

4/02088/01/FU REPLACEMENT OF EXISTING BARN WITH NEW  
L DWELLINGHOUSE  
Refused  
28/02/2002

4/00848/01/ DEMOLITION OF BARN  
Refused  
28/08/2001

4/00821/01/ ONE DWELLING  
Refused  
28/08/2001

### **Related Site History**

4/01912/09/FU DEMOLITION OF EXISTING STORE AND CONSTRUCTION OF  
L STORAGE BARN  
Granted  
10/02/2010

4/01617/15/EN CONFIRMATION ON CONDITION 3 ON PLANNING  
Q APPLICATION 4/2292/03/FUL  
Unknown  
21/04/2015

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

#### Adopted Core Strategy

NP1 - Supporting Development  
CS5 - The Green Belt  
CS7 - Rural Area  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS14 - Economic Development  
CS17 - New Housing  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS30 - Sustainability Offset Fund  
CS31 - Water Management

CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 81,110.  
Appendices 3 and 5.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)  
Landscape Character Assessment (May 2004)  
Planning Obligations (April 2011)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

**Summary of Representations**

Flaunden Parish Council

**Flaunden Parish Council unanimously recommend that this application be REFUSED on the grounds of inappropriate development in the Green Belt.**

**Reasons for recommendation to refuse:**

Contrary to Dacorum Borough Council's Core Strategy Policy CS5, The Green Belt (i) & (ii) and Policy C110 of Local Plan, as no other options have been considered in terms of related uses for recreational use or tourism.

∴ This application does not support the rural economy or maintenance of the wider countryside, as converting stables into a dwelling will take away a current rural business and related employment.

∴ It would have an adverse effect on the appearance of the countryside and the distinctive character of the landscape.

∴ No special circumstances have been put forward to support this development that would outweigh the harm to the Green Belt.

∴ Within the village of Flaunden all housing is built along existing roadways, there has been no infill development within the curtilage of any single property. Consequently such development would detract from the openness and character of the village and green belt.

**BACKGROUND**

Flaunden is a small village, within the green belt, with an active and thriving residential and business community. It is an area that has retained its unique character and charm as a result of careful historic planning protection.



Previous development on this site in 2003 gave permission to extend the cottage (known as The Coach House) and converted adjoining stables. 4/00292/03. This was a 'delegated' decision following FPC's refusal of the application. This property has had footings laid, and on completion this will result in a substantial four bedroom property.

4/00821/01 Application made in 2001 for 5-bedroom house turned down by Dacorum. The proposal was refused as being contrary to national and local planning policies for the area.

## GENERAL COMMENTS

There are many inaccuracies in the application i.e. :

**Site Plan** – we are confused as to why only part of the land of Flaunden House Stables is shown on the site plans, the whole site is on an area of around 16 acres, why is this not shown, does the applicant have other plans for the rest of the land?

### Application Form :

**9. Description of materials** - means of saving energy are not described

**10. Vehicle Parking** – it would seem highly unlikely that a 5-bedroom house would only require one car parking space.

**14 Existing Use** – States residential – this is misleading, the barn in question has **NOT** been used for residential purposes.

**15. Trees and Hedges** – Trees which form the western boundary of the site provide screening from neighbouring properties, we cannot see how construction could take place without removing this vegetation, which would make the barn much more visible to neighbouring properties.

**17. Residential Units** – this proposal **does** include the gain of residential units

### Design and Access Statement :

**2.1** Applicant states (page 5) that *'the access road serves Flaunden House Stables as well as other stables and barns to the south'*. This is misleading, the access road only serves as access to the property known as Flaunden House Stables, which consists of one residential property, several barns and stabling.

Applicant states (page 6) that *'the demand for equestrian usage only covers the two adjacent stables, leaving this vacant and with no need of use'*. The present owners (we believe completion takes place on 30<sup>th</sup> April) have used this barn for DIY Livery, it would appear that it is the intention of the new owners **NOT** to carry on with this business, and we believe notice has been given to all tenants at the request of the purchasers. **No evidence has been provided as to why this cannot continue as a viable business.**

**2.2** Applicant states that the *'horse walker at the rear of the stable would be demolished'* – this further reduces the viability of utilising this area as a livery business.

**2.3** Applicant states (page 10) *'There is no particular changes in terms of materials, therefore the proposed building would include the same materials as the existing stable'*. We believe that the stable was originally an open sided structure with corrugated roof, this was enclosed by the construction of side walls consisting of part

breeze block, part wooden slats. **We cannot see how this existing structure can be converted without extensive re-building and change in the appearance and character.**

**2.4** Applicant states '*access to Barnet Lane*' – we have no knowledge of a road of this name in the village.

**2.5.1.** Applicant states that the building 'is a permanent building upon previously developed land and capable of conversion without substantial alteration to the external appearance. The structure of the building is founded with solid walls but requires the construction of internal studwork and insulation to meet the Building Regulations.' We do not believe this is the case. It would appear to us that the barn would require significant external alteration to make it an acceptable residential unit.

Applicant states that '*there is evidence that an alternative use has been sought*'. **We can see no evidence of this provision.**

#### Conservation and Design

The peppering of the roof with roof lights is detrimental to the character of the building. There is a simpler and more elegant solution which would be to omit the rooflights (except possibly the two higher ones over the bedroom if essential) by including a high level strip window in each of the side walls close to the eaves to the light the voids – this might either be continuous along each side elevation or split up to sit over the proposed large windows.

#### Trees and Woodlands

No objection to proposal and unlikely to affect nearby trees. As trees are not visible from the main road public amenity of the trees is not high. Unlikely to warrant a Tree Preservation Order.

#### Hertfordshire Biological Records Centre

Informatives in respect of bats and birds should be sufficient should the application be approved, given the nature of the existing stable building.

#### Contaminated Land Officer

The site has a potentially contaminative use; it is also located within the vicinity of potentially contaminative former land uses (infilled ponds, former burial ground). Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted.

#### Thames Water

*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.

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

## Affinity Water

*Water Comments- none received as yet - will be reported to the Committee.*

## Building Control

I can confirm that the layout all appears fine from a Building Regulations aspect. The only possible change may be the escape route from the second bedroom (possible amendment required to windows) but options will be discussed when we have detailed plans.

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

15 Objections were received for the following reasons:

impact on the wider Flaunden Village and its current residents;

∴∅β7 the proposal contravenes the current Government and Dacorum planning guidelines and policy;

∴∅β7 The Department for Communities and Local Government's Planning Practice Guidance states that "local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide ... opportunities for outdoor sport and recreation". If this and other barns/stables on Flaunden House Stables were turned into houses, this would be contrary to this policy.

∴∅β7 contrary to Green Belt Policy for the following reasons;

(1) It does not protect the character and local distinctiveness of Flaunden.

(2) This building is not 'substantial', it was originally a simple, open sided shelter, with a corrugated shallow pitched roof, wooden cladding was added later.

(3) This development does not support the rural economy as closing the stables and converting the building into a dwelling will take away a current rural business and related employment.

(4) Existing facilities should not be built upon unless assessment is that they are surplus to requirements. This is clearly not the case as the stables have been traditionally well used.

(5) Local planning authorities should plan positively to enhance the beneficial use of the Green Belt such as looking for opportunities for outdoor sport and recreation. Taking away existing, well used, equestrian facilities that are used by a significant number of people stabling their horses there and riding out from, Flaunden goes against this policy;

∴∅β7 no special circumstances have been put forward;

∴∅β7 there are misleading or inaccurate statements in the application;

∴∅β7 although the submitted plans of the existing barn structure show four roof windows in the shallow pitched roof, these are not visible from Birch Lane House and are assumed to be simple, clear corrugated Perspex panels to allow light in, which, if they do exist, are completely covered in moss, algae etc and do not in any way overlook our property.

∴∅β7 site plan shows the conversion as a potential separate property from the remainder of the land;

∴∅β7 when planning granted for Coach House 4/02292/03/FUL condition 3 stated:  
"The occupation of this dwelling shall be limited to a person solely or mainly

- working at Flaunden House Stables." It would seem to me that this condition should be taken into consideration when considering the development of the site.
- No mention has been made of applying for separate title for the new property, but it has been delineated separately on the site plan;
- ∴β7 no evidence provided as to the structural soundness of the existing building. The stables were originally a simple open sided structure that was boarded up. It is of a lightweight construction, and not the substantial construction required by planning policy;
  - ∴β7 no attempts have been made to investigate suitable re-use of the building other than for residential;
  - ∴β7 the site was a thriving equestrian use and has been run and managed as an equestrian business for 25 years (30 individual stables for rent);
  - ∴β7 These particular stables have been home to several quality horses and trainers and riders well known in the horse fraternity , amongst whom Tim Stockdale the Olympic competitor and the recent past owner, a world famous carriage driver can be counted. The area as a whole is well known for it's equine activity and Bovington itself has a shop in the village devoted to riding requisites.
  - ∴β7 the liveries were given notice to vacate then the stables were sold to the current owner;
  - ∴β7 the inevitable future encroachment of agricultural land for garden area;
  - ∴β7 the non suitability of the current building and foundations for a simple change with no cosmetic changes or removal of trees;
  - ∴β7 although the current proposal does not include this, a large, four bedroom house which will typically be lived in by a family, would need an area of garden and outside space beyond the two 'amenity spaces' and one parking space, detailed within the current curtilage. Use in this way of the field between the new proposed property and Birch Lane House's existing garden would clearly significantly adversely affect the current privacy of our house, existing patio area and garden.
  - ∴β7 Loss of privacy for dwellings on the western side of the site eg. The Old Chapel and Birch Lane House;
  - ∴β7 trees on the western side of the stables currently provide a visual buffer between the houses and the stable - these will most likely be removed as a result of the development;
  - ∴β7 It should be noted that in another Relic Homes application at Frithsden Copse, Ref 4/03131/14/FUL drawing 14.141.P2.101A, much effort was made by the planners to protect existing trees as part of the approval process. However, once building commenced the trees, protected under the approval granted, have been removed by the builders, with little regard for the protection afforded. If this were to happen in this case, even if fines were levied, apologies offered and additional planting of new trees insisted upon after the event, this would not be able to reinstate the privacy that we, and neighbouring properties, will have lost.
  - ∴β7 If this proposal is approved, there are many other buildings within the recently acquired Stables complex that Relic Homes, as owners and developers, will, in all likelihood, seek to convert further, as well as numerous other buildings situated within Flaunden that will be similarly redeveloped. All of which will change the historic 'small settlement' nature and character of Flaunden.

- ∴β7 creating a precedent for similar second tier building behind existing buildings, not currently evident in Flaunden.
- ∴β7 Flaunden is a small, picturesque historic village with a Conservation Area and much Green Belt land. This is designed to protect it and help keep its distinct rural character. A large house, in an area that has mainly smaller properties, would do nothing to enhance this, and if the developer intends to convert the other buildings on the livery yard into houses as well, it would spoil the character of the area. The livery yard is part of the character of the village; a housing estate would not be.
- ∴β7 The scale of the proposed dwelling will be out of proportion with the surrounding properties;
- ∴β7 the openness and local distinctiveness will be changed by the addition of a very large house and loss of stable amenities;
- ∴β7 will impact negatively on the character and beauty of the village which relies on the typical old buildings including stables, farms and farmland.
- ∴β7 the closure of the stables will be detrimental to the local economy and lead to a loss of employment;
- ∴β7 Flaunden is not an area identified for housing development by Dacorum;
- ∴β7 Flaunden has no retail shops and virtually no bus service. It is the wrong place to build new homes.
- ∴β7 The proposal would reduce the amenities available to residents of Flaunden and the surrounding area.

## **Considerations**

### Policy and Principle

#### *National Planning Policy Framework*

Paragraphs 89 and 90 state the following:

The re-use of buildings provided that the buildings are of permanent and substantial construction is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green. Paragraph 55 states that, in rural areas, local planning authorities should normally avoid isolated dwellings unless there are special circumstances. One such special circumstance identified is where the development would re-use redundant or disused buildings and result in an enhancement to the immediate setting.

#### *The Town and Country Planning (GPD) (England) Order 2015.*

In 2014, the Government introduced new permitted development rights to allow the conversion of certain agricultural buildings to housing through a prior approval process. Up to 450 sq. metres of agricultural buildings can now be converted to provide a maximum of three homes without the need for planning permission. Where applicable the permission would not be affected by the site being within the Green Belt. Whilst the building in question is an equestrian building, these recent changes illustrate the Government's stated desire to increase significantly the supply of housing, including through making use of suitable rural buildings.

*Policy NP1: Supporting Development* states that the Council will take a positive approach to the consideration of development proposals, reflecting the presumption in

favour of sustainable development contained in the National Planning Policy Framework

*The Core Strategy Settlement Hierarchy* (p41) states that the village of Flaunden is classified as falling within the "Other small village and the countryside" category and is therefore an area of most development constraint within the Borough.

*Core Strategy Policy 5 Green Belt* states that within the Green Belt, small scale development will be permitted. This includes the appropriate reuse of permanent, substantial rural buildings provided that:

1. it has no significant impact on the character and appearance of the countryside;  
and
2. it supports the rural economy and maintenance of the wider countryside.

*Saved Local Plan Policy 110 Agriculture and Re-use of Rural Buildings* 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.

#### Local Plan Policy 81 Equestrian Activities

It is important to note that Local Plan Policy 81 and 110 were saved following adoption of the Core Strategy and have not therefore been checked for compliance with the NPPF. Policy 110 has essentially been superseded by the policies of the NPPF when considering the re-use of rural buildings, and only limited weight can be applied to this policy as a result. This has been confirmed with SPAR.

The Government has taken a number of steps to encourage the re-use of rural buildings for residential and other purposes. Given the thrust of national policy, coupled with the proposed development having no adverse impact on the openness of the Green Belt, it is considered that a robust reason for refusal could not be substantiated when considering the impact of the proposed development on the rural economy alone. The building is vacant and has not been used for stable use for at least 6 months. It is therefore considered that the proposed conversion is acceptable in principle.

#### Impact on Green Belt

The Structural report submitted with the application concludes:

- ∴β7 that the structures of the main building, and that of the feed store and tack room are free from defect and are of substantial and permanent type constructions.
- ∴β7 the building is capable of being converted to a residential dwelling without any major demolition works being necessary.

The proposal will not have any significant impact on the character and appearance of the countryside for the following reasons:

- ∴β7 the footprint of the new dwelling will be smaller than the barn, resulting in an improvement to openness;
- ∴β7 the volume of the new dwelling will be smaller than the barn, resulting in an improvement to openness;

- ∴ the amenity space for the dwelling will be within the footprint of the original barn and hidden behind fencing so any residential paraphernalia will be not be visible and will not impact on the openness of the green belt;
- ∴ the car parking and garage space will be included in the footprint of the original barn;
- ∴ the existing car parking area will be removed and returned to grassland, resulting in a visual improvement to the site;
- ∴ the dwelling will be serviced by an existing access; and
- ∴ minimal changes to the exterior of the barn ie. addition of windows and doors.

The Solicitor for the owner who sold the property in October 2009 advised that the reason the owner sold the site was because the equestrian business was not profitable. It should be noted that this owner will benefit from any increase in value to the site as per a legal agreement attached to the sale of the site.

The view of the owner in between is unknown.

The applicant has advised that the site had been on the market for 6 months without any takers.

Based on the above advice it is difficult to sustain an argument that the proposal will have a negative impact on the rural economy. The proposal will have limited economic benefits in terms of future occupiers supporting local services.

The principle of development is therefore considered acceptable in light of the relevant policies.

#### Effects on appearance of building

The proposal will change the exterior of the barn by adding windows and doors but the building does not have any special character which needs to be preserved.

#### Impact on the Conservation Area

The proposal is adjacent to the Conservation Area but the barn does not have any historical value.

The comments made by the Conservation Officer will be achieved via a condition.

#### Impact on Trees and Landscaping

To convert the barn should not detrimentally affect the adjacent trees. It is considered that the tree screen along the western boundary of the site is very important as a visual buffer between the new dwelling and the neighbours on the western side. Retention will be secured by condition.

#### Impact on Neighbours

The nearest neighbours are Birch Lane House (61 metres away), The Old Chapel (62 metres away) and Flaunden House (101 metres away). Due to the distances it is not

considered that there will be any loss of privacy or loss of sunlight and daylight for any of these neighbours.

### Amenity Space

Saved Appendix 3 Layout and Design of Residential Areas states that private gardens should have an average minimum depth of 11.5 metres. The proposals garden area falls short of this but has direct access onto the open countryside so this shortfall is not considered significant.

### Parking Requirements

Saved Appendix 5 Parking Provision requires that a four bedroom dwelling has 3 parking spaces. The proposal now has 3 parking spaces.

### Sustainability

Policy CS29: Sustainable Design and Construction requires that new development will comply with the highest standards of sustainable design and construction possible. The applicants have been asked to prepare an Energy Statement and a Sustainability Statement.

### CIL

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable.

The Charging Schedule clarifies that the site is in Zone 2 within which a charge of £150 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

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.



3 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of [1 year] from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

4 Notwithstanding the details shown on the approved plans a revised roof plan and elevations shall be submitted and approved prior to commencement of development showing no rooflights (except possibly the two higher ones over the bedroom if essential) by including a high level strip window in each of the side walls close to the eaves to light the voids – this might either be continuous along each side elevation or split up to sit over the proposed large windows.

Reason: To comply with CS Policies 5, 11 and 12 and in the interests of visual amenity.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 without the prior written approval of the local planning authority:

Schedule 2 Part 1 Classes A, B, C, D, E, F and G  
Part 2 Classes A, B, and C.

Reason: In the interests of safeguarding the openness of the Green Belt; the rural character of the building and the site; and the visual amenity of the surrounding countryside. The proposed development comprises of the conversion of a stable building in a rural area and it is important for the local planning authority to retain control over certain future development which would normally represent permitted development, in order to safeguard the rural character of the surrounding countryside.

- 6 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

**For the purposes of this condition:**

**A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.**

**A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.**

**A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 7 **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 groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.**

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

## Article 31 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) (Amendment No. 2) Order 2012.

### INFORMATIVE:

It is possible that bats may be using areas of the existing building.

UK and European Legislation makes it illegal to:

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

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

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

Design and Access Statement  
Existing Site Plan 15.149.P2.100B  
Existing Plans and Elevations 15.149.P2.200A  
Proposed site plan 15.149.P2.300B  
Proposed Plan 15.149.P2.400B  
Proposed Elevations 15.149.P2. 500B  
Energy Statement  
Sustainability Statement  
CIL Liability forms  
EIA Screening Opinion Form

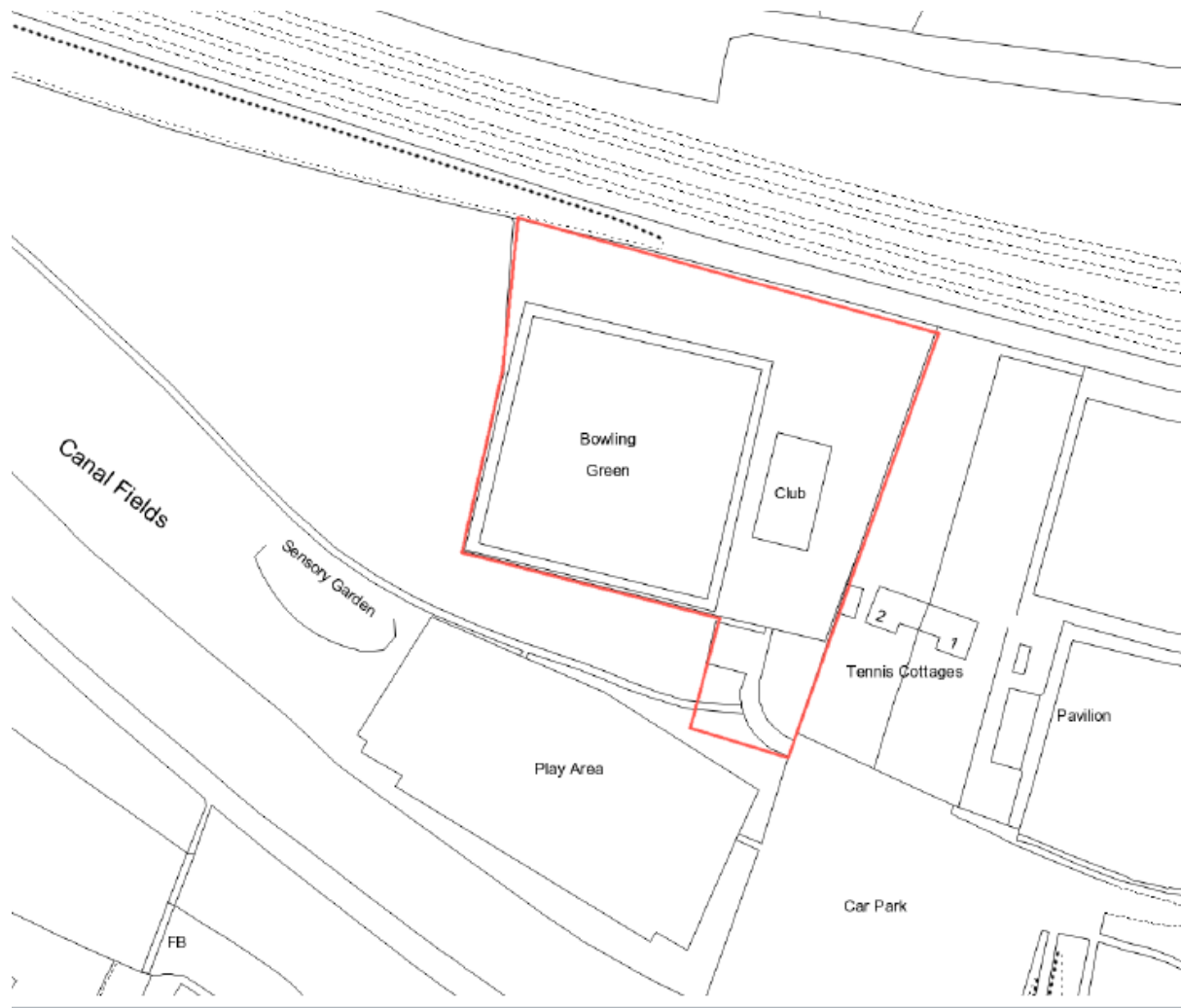
Reason: For the avoidance of doubt and in the interests of proper planning.

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## Item 5.04

### 4/02066/15/FUL – CREATION OF ADDITIONAL PARKING AREAS WITH ASSOCIATED LANDSCAPING

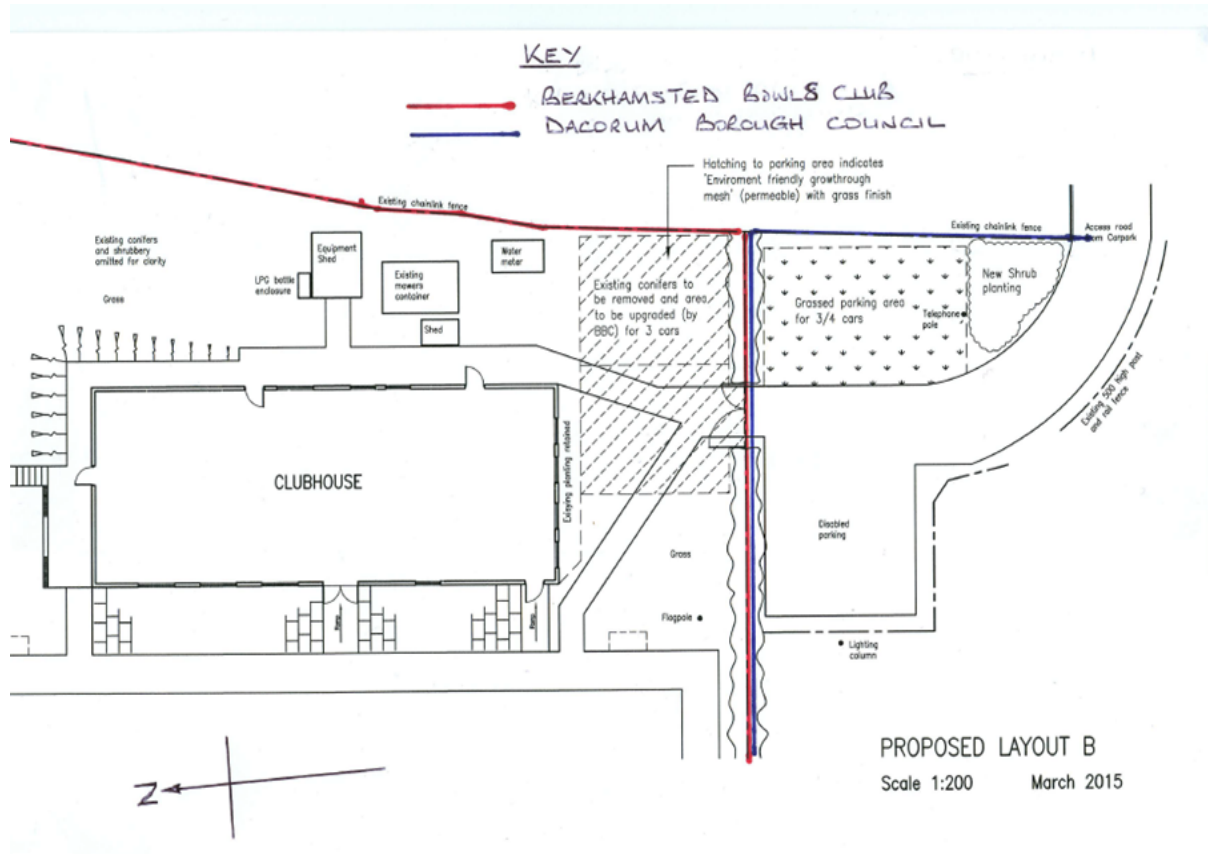
### BERKHAMSTED BOWLS CLUB, BROADWATER, BERKHAMSTED, HP4



## Item 5.04

# 4/02066/15/FUL – CREATION OF ADDITIONAL PARKING AREAS WITH ASSOCIATED LANDSCAPING

## BERKHAMSTED BOWLS CLUB, BROADWATER, BERKHAMSTED, HP4



**4/02066/15/FUL - CREATION OF ADDITIONAL PARKING AREAS WITH ASSOCIATED LANDSCAPING.  
BERKHAMSTED BOWLS CLUB, BROADWATER, BERKHAMSTED, HP4.  
APPLICANT: BERKHAMSTED BOWLS CLUB.**

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[Case Officer - Nigel Gibbs]

### **Summary**

The application is recommended for approval.

The site is located in designated Open Land which supports leisure uses. The proposal will provide some additional parking which is essential for the Club's operation and future with specific regard to match days.

The parking represents an ancillary form of development complementing the existing role of the Open Land which accords with the expectations of Policy CS 4 of the Dacorum Core Strategy and Policy 116 of the saved Dacorum Borough Local Plan.

The development will be visually compatible with the Open Land and have a neutral effect upon the character and appearance of Berkhamsted Conservation Area. There are no access, highway safety or parking objections.

There should be no overriding harm to the residential amenity of nos 1 and 2 Tennis Cottages.

### **Site Description**

Berkhamsted Bowls Club is located in Canal Fields opposite its public car park, amenity area/ playground and to the south of the railway line. It is linked to the elongated access road known as Broadwater serving Canal Fields. Canal Fields also features Berkhamsted Football Club, Berkhamsted Tennis and Squash Rackets Club and a floodlit skateboard park.

The Club's grounds adjoin two houses at 1 and 2 Tennis Cottages which are located to the west of the courts serving Berkhamsted Tennis and Squash Rackets Club.

The site is within designated Open Land, Berkhamsted Conservation Area, an Area of Archaeological Importance, Flood Zones 2/3, a railway buffer zone and air safeguarding area. The site is identified as a former land use which would have been associated with the former open air swimming pool.

### **Proposal**

This is for the provision of three parking spaces within the Club's grounds and four spaces on the adjoining DBC owned land at the site's frontage to Canal Fields.

The parking areas will be of 'Grasscrete' finish with the existing access/entrance extended to facilitate vehicular access. To accommodate the parking three Thuja trees will be removed and compensated by new boundary hedge and shrub planting. The Club has confirmed that the additional spaces would have restricted use, being only available for the Club.

The Club has confirmed that the demand for parking has increased, which is severely affecting its functioning especially on match days and major events. The parking would enable the club to maintain its viability and strong membership. Without these additional parking areas the Club is very concerned that its viability will be compromised and believe the application will not have a detrimental effect on the surrounding areas.

### **Pre Application Advice**

The initial proposals involving more encroachment into Canal Fields were regarded as incompatible with the Open Land. The current scheme involves a reduced area of parking.

### **Referral to Committee**

The application is referred to the Development Control Committee as the application involves development on DBC owned land.

### **Planning History**

4/572/84. Public bowls green and pavilion. There was no parking provided with reference to accessibility via the footbridge to the Lower Kings Road car park. The report confirms there were no objections based upon residential amenity. There were objections from no. 2 Tennis Cottages.

4/01385/86. Clubhouse. A condition imposed noise boundary limits. There were objections from no. 2 Tennis Cottages. No curtilage car parking or vehicular access was shown.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance

#### Dacorum Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS23 – Social Infrastructure  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction



CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
Berkhamsted Place Strategy

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

Policies 12,13, 51, 54, 58, 61, 63,73, 83, 99, 100,106, 113 and 120  
Appendices 5 and 8

#### Supplementary Planning Guidance / Documents

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

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

#### Supplementary Planning Guidance/ Documents

Environmental Guidelines  
Berkhamsted Conservation Area Appraisal

Council's Playing Pitch Strategy and Action Plan (June 2015)

### **Representations**

#### Berkhamsted Town Council

##### Background

Councillor Armytage declared a prejudicial interest and explained that the Club's representative had argued the case on the basis of the continued viability of the bowls club. Previously the four hour restriction in the car park had been overlooked by the Traffic Wardens however this was no longer the case and the Committee was asked to support the application. Councillor Armytage left the meeting.

BTC resolved to raise no objection.

It was suggested that consideration be given to making a condition that the trees which will be removed will be replaced.

Councillor Armytage returned to the meeting.

#### Strategic Planning

The application site is located within the Canal Fields playing fields immediately to the north of the Grand Union Canal, west of the tennis club and south of the railway line.

The land is designated as Open Land and the site is included within the Conservation Area associated with the nearby Berkhamsted Castle and wider Area of Archaeological Significance encompassing a large part of Berkhamsted town centre.

*Principle:*

The principle of the development should be judged against development plan policies relating to designated Open Land including saved Local Plan policy 116 and Core Strategy policy CS4.

Saved Local Plan Policy 116 advocates the protection of Open Land forming part of the urban structure. Any ancillary buildings, works and changes of use should satisfy a number of criteria including: ensuring that the location, scale and use of the new development relates well to the character of existing development, its use and setting; and that the integrity and future of the wider area of Open Land is not compromised. This is reiterated through Core Strategy Policy CS4 which states that, in Open Land areas, the primary planning purpose is to maintain the generally open character. The proposed development seeks to construct two additional car parking areas within the site to accommodate up to a total of 7 spaces. One would be sited immediately to the south of the existing clubhouse and the second adjacent to the existing area allocated for disabled car parking.

Given the location of these two areas within the confines of the existing club site and presence of mature vegetation along the eastern boundary of the site, the proposed car parking areas are unlikely to negatively impact upon the designated Open Land. Also, taking account of the existing structures on this part of the site (i.e. the clubhouse, bowls green and areas of hardstanding), the areas of the site with open characteristics would be maintained. The use of grasscrete and implementation of replacement planting would also soften any impact of these additional parking areas.

*Heritage*

Consideration should also be given to the local heritage assets including the Conservation Area and Area of Archaeological Significance. The construction of car parking areas may have implications for yet undiscovered heritage assets of archaeological significance. Therefore, advice should be sought from the Archaeology Unit at Hertfordshire County Council.

In terms of the impact on the Conservation Area, consideration should be given to Core Strategy Policy CS27 which states that the integrity and distinctiveness of designated heritage assets will be protected, conserved and, if appropriate, enhanced. It is considered that the proposed development would have a limited impact on the Conservation Area and would be further protected, potentially enhanced, by the replacement of any trees to be removed with an appropriate species. To this effect, the advice of the Design and Conservation Team and Clean, Safe and Green Team should be sought.

*Other Considerations:*

Consideration should also be given to the Council's Playing Pitch Strategy and Action Plan (June 2015) which takes account of the provision of facilities for bowls. Berkhamsted Bowls Club is referred to within this strategy and it is identified that the

existing facilities are generally adequate to meet local demands; however, it is noted that the club are reliant on nearby public car parking provisions which can have its limitations.

*Conclusion:*

In summary of the above, there appears to be a need to resolve current parking limitations at Berkhamsted Bowls Club and the proposed development could go some way to address this. The proposal is not likely to have significant impacts on the Open Land characteristics or both designated and undesignated heritage assets. As such, the proposed development does not appear to conflict with relevant development plan policies. Nevertheless, in respect of the latter, advice from the Design and Conservation and Clean, Safe and Green teams should be sought; as well as advice from the Environment Agency and Lead Local Flood Authority regarding any flood risk.

Conservation & Design

No adverse comment. It will not have negative impact on the Conservation Area.

Trees ,Woodlands Parks/ Open Spaces

No objections.

Scientific Officer

Comments awaited.

Noise & Pollution

Comments awaited.

Parking Operations

Comments awaited.

Valuation & Estates

Comments awaited.

Hertfordshire County Council: Highways

*Recommendation*

Does not wish to restrict the grant of permission.

*Highway Comment*

There are no plans to change the current access arrangements. HCC road hierarchy states that the last section of Broadwater Road does not form part of the adopted public highway. As this is a private section road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal to create additional parking will not have an unreasonable impact on the safety and operation of the adjoining highways.

Hertfordshire Fire & Rescue Service

No adverse comments.

Hertfordshire Constabulary: Crime Prevention Design Advisor | Crime Prevention Design Service

On the basis of the submitted information available content.

Suggest new shrub planting at the southern end of the grassed parking area, outside the club's grounds is no higher than 0.5m high. Whilst this planting will help soften the view of any vehicles parked in this area, it should not to become a potential hiding area for which could then cause problems or anti-social behaviour. Planting to reach a mature height of 0.5m will provide such softening but also stop the area behind the planting becoming a hidden away area.

Environment Agency

No adverse comments.

Ministry of Defence/ NATS

No safeguarding objection.

Hertfordshire County Council: Historic Advisor

In this instance, the construction of the railway has probably resulted in significant ground disturbance in the area of the proposed works. There is unlikely to be an impact on significant heritage assets of archaeological or historic interest.

Therefore, HA has no adverse no comments.

Network Rail

(1) Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would very strongly recommend the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers). A suitable small earth bund, which could be managed by the applicant, would also be acceptable. This is to prevent vehicles from accidentally driving or rolling onto the railway or damaging lineside fencing.

(2) The proposal calls for trees to be removed from the applicant's land, which is adjacent to the boundary with Network Rail. As the site is next to the operational railway (and this includes overhead lines) we would require the developer to submit to the Network Rail Asset Protection Team a method statement detailing how they propose to remove the trees (and any other vegetation). The method statement should take into account the proximity of the railway and all tree removal/vegetation removal works will need to be approved by the Network Rail Asset Protection Engineer before their removal commences on site. The removal of trees from the applicant's land may require asset protection presence on site to supervise the works and the applicant will

be liable for the costs incurred by Network Rail in facilitating the tree removal works.

### Canals & Rivers Trust

No comments.

### Comments received from local residents/ Response to Publicity

None.

## **Considerations**

### Policy and Principle

*Context :Support for Leisure as part of Dacorum's Social Infrastructure*

New development on designated **Open Land** is subject to Core Strategy Policy CS4 and saved DBLP Policy 116. As explained by para DBLP Para 116.1 much leisure space is protected from development because it is held as public open space and required to meet accepted standards of provision.

Core Strategy Part 15 addresses the Borough's Social Infrastructure . This includes open space, outdoor leisure and indoor sports facilities. Core Strategy Para 15.1 confirms the well-being of Dacorum's communities depends on having the appropriate social infrastructure which is essential to provide the facilities and services which underpin quality of life and deliver day-to-day living needs. Open space, outdoor leisure and indoor sports facilities are an essential ingredient of this provision. Core Strategy Policy CS23 expects 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.

Deficiencies in leisure space in the Borough have been identified. Under Core Strategy Para 15.21 the Council will use existing land and buildings to rectify deficiencies in leisure space and help respond to changing recreational and leisure demands. Land already identified as existing open space and leisure space will be protected and enhanced. Other opportunities for sport and recreation will be supported.

The associated Council's Playing Pitch Strategy and Action Plan (June 2015) takes into account the provision of facilities for bowls. Berkhamsted Bowls Club is referred to within this strategy. Although the existing facilities are generally adequate to meet local demands it confirms that the Club is reliant on nearby public car parking provisions which can have its limitations.

New development on designated Open Land is subject to Core Strategy Policy CS4 and DBLP Policy 116.

In terms of DBLP Policy 116 the following criteria must be satisfied if such ancillary development (such as the propped car parking) is to be supported:

(a) the location, scale and use of the new development must be well related to the character of existing development, its use and its

open land setting; and

(b) the integrity and future of the wider area of open land in which the new development is set must not be compromised.

Also measures to conserve and improve the attractiveness, variety and usefulness of all open land will be investigated, encouraged and promoted.

The proposal would be compatible with the Open Land in terms of its scale and visual impact with a neutral effect upon the existing character and appearance of the Conservation which features an array of existing structures. The use of grasscrete and new planting would soften any impact of these additional parking areas.

#### Impact on Neighbours; Noise/ Disturbance/ Headlamp Glare

There will be some impact no. 2 Tennis Cottages dwellings but not warrant a refusal.  
Archaeological Implications

Based upon Hertfordshire County Council's Historic Advisor's expertise there are no adverse archaeological implications with due regard to the previous impact of the railway construction.

#### Crime Prevention/ Security

The Crime Prevention Officer raises no fundamental objections subject to the provision of low hedging.

#### Parking/ Sustainable Location/Highway Safety/Access for Persons with Disabilities/ Emergency Access/ Sustainable Location

In this sustainable location it is expected that there is the maximum attention to encouraging the use of alternative transport to the private car to accord with Core Strategy Policy CS8 (a) under Sustainable Transport. However, given the Club's supporting information the proposed additional parking is apparently absolutely necessary to maintain the Club's ability to provide adequate parking for match days and its future. It is on this basis that there is a case to support the principle and amount of the additional parking. This takes into account the opportunity to impose a Green Transport Plan which has been applied to various leisure clubs in developing their existing sites such as the adjoining Berkhamsted Tennis and Squash Club, Hemel Hempstead Football Club and Kings Langley Football Club in supporting new development.

Hertfordshire County Council Highways raise no objections with access to the site maintained. Based upon Hertfordshire Fire & Rescue's pre application advice involving a site meeting there are no fundamental fire access objections.

There will be additional opportunities for persons with disabilities to park at the site. The existing disabled parking adjoining the site would be retained.

#### Drainage/ Flooding

The Environment Agency raises no objections with due regard to the flooding

implications. Grasscrete is designed to ensure there is permeable drainage.

#### Contamination

As this is a former land use an informative regarding the keeping of a watching brief is recommended.

#### Sustainable Construction

The development would accord with the overall approach of Core Policy CS29 taking into account the new planting and the grasscrete's permeable drainage qualities.

#### Biodiversity /Ecological Implications

The provision of new planting would benefit the local ecological environment.

#### Rail Safety

The proposals are well separated from the railway. Network Rail raise no objections with its advice subject to an informative.

#### Impact upon the Canalside Environment/ River Bulbourne

There will be compatible relationship. This has taken into account the respective responses of the Canal & River Trust and the Environment Agency.

#### Exterior Lighting

No lighting is proposed.

#### Air Safeguarding Limits

There are no implications.

#### Environmental Impact Assessment

This is not necessary.

### **Conclusion**

There are no objections to the proposal.

**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 **All the parking spaces hereby permitted shall be constructed of grasscrete.**

Reason: To ensure that the development is compatible with the character and appearance of Berkhamsted Conservation Area and the designated Open Space to accord with the requirements of Policies CS4, CS10, CS12, CS13, CS27 and CS29 of the Dacorum Core Strategy and the saved Policies 116 and 120 of the Dacorum Borough Local Plan and to accord with the sustainable approach to development to accord with Policy CS29 of the Dacorum Core Strategy.

- 3 **No development (schedules of plants, noting species, plant sizes and proposed numbers/densities) shall take place until full details of the proposed hedge and shrub planting have been approved in writing by the local planning authority. All the approved planting shall be carried out during the first planting season following the first use of any of the parking spaces hereby permitted. For the purposes of this condition the planting season is from 1 October to 31 March.**

Reason: To ensure that the development is compatible with the character and appearance of Berkhamsted Conservation Area and the designated Open Space to accord with the requirements of Policies CS4, CS10, CS12, CS13, CS27 and CS29 of the Dacorum Core Strategy and the saved Policies 116 and 120 of the Dacorum Borough Local Plan, in the interests of biodiversity and to accord with the sustainable approach to development to accord with Policy CS29 of the Dacorum Core Strategy.

- 4 **If within a period of 5 years any part of the approved hedge and shrub planting subject to condition 3 becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a section of hedge or shrub equivalent species, size and maturity.**

Reason: To ensure that the development is compatible with the character and appearance of Berkhamsted Conservation Area and the designated Open Space to accord with the requirements of Policies CS4, CS10, CS12, CS13, CS27 and CS29 of the Dacorum Core Strategy and the saved Policies 116 and 120 of the Dacorum Borough Local Plan, in the interests of biodiversity and to accord with the sustainable approach to development to accord with Policy CS29 of the Dacorum Core Strategy.

- 5 **Within two years of the date of the first use of any of the parking spaces hereby permitted a Green Travel Plan shall be submitted to the local planning authority for its approval in writing. The Travel Plan shall provide details of measures for reducing car dependency, the need to travel to site by car whilst promoting alternative modes of transport such as walking, cycling and use of public transport. The approved Travel Plan shall then be implemented in accordance with the approved details within 3 months of the date of its approval in writing by the local**



**planning authority. The Travel Plan shall then be operated for at least 5 years from the date of its first implementation. During this period the effectiveness of the Travel Plan shall be monitored by the operator. At the end of this period results of the monitoring shall be submitted to the local planning authority in writing, and modified, if necessary, in accordance with the local planning authority's approval.**

Reason: To accord with the principles of sustainable transportation in accordance with Policy CS8 of the Dacorum Core Strategy.

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

**Site Location Plan and Site Plan.**

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

ARTICLE 31 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage which led to improvement to the scheme.

**Informatives**

Rail Safety

Network Rail has advised :

(1) Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would very strongly recommend the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers). A suitable small earth bund, which could be managed by the applicant, would also be acceptable. This is to prevent vehicles from accidentally driving or rolling onto the railway or damaging lineside fencing.

(2) The proposal calls for trees to be removed from the applicant's land, which is adjacent to the boundary with Network Rail. As the site is next to the operational railway (and this includes overhead lines) we would require the developer to submit to the Network Rail Asset Protection Team a method statement detailing how they propose to remove the trees (and any other vegetation). The method statement should take into account the proximity of the railway and all tree removal/vegetation removal works will need to be approved by the Network Rail Asset Protection Engineer before their removal commences on site. The removal of trees from the applicant's land may require asset protection presence on site to supervise the works and the applicant will be liable for the costs incurred by Network Rail in facilitating the tree removal works.

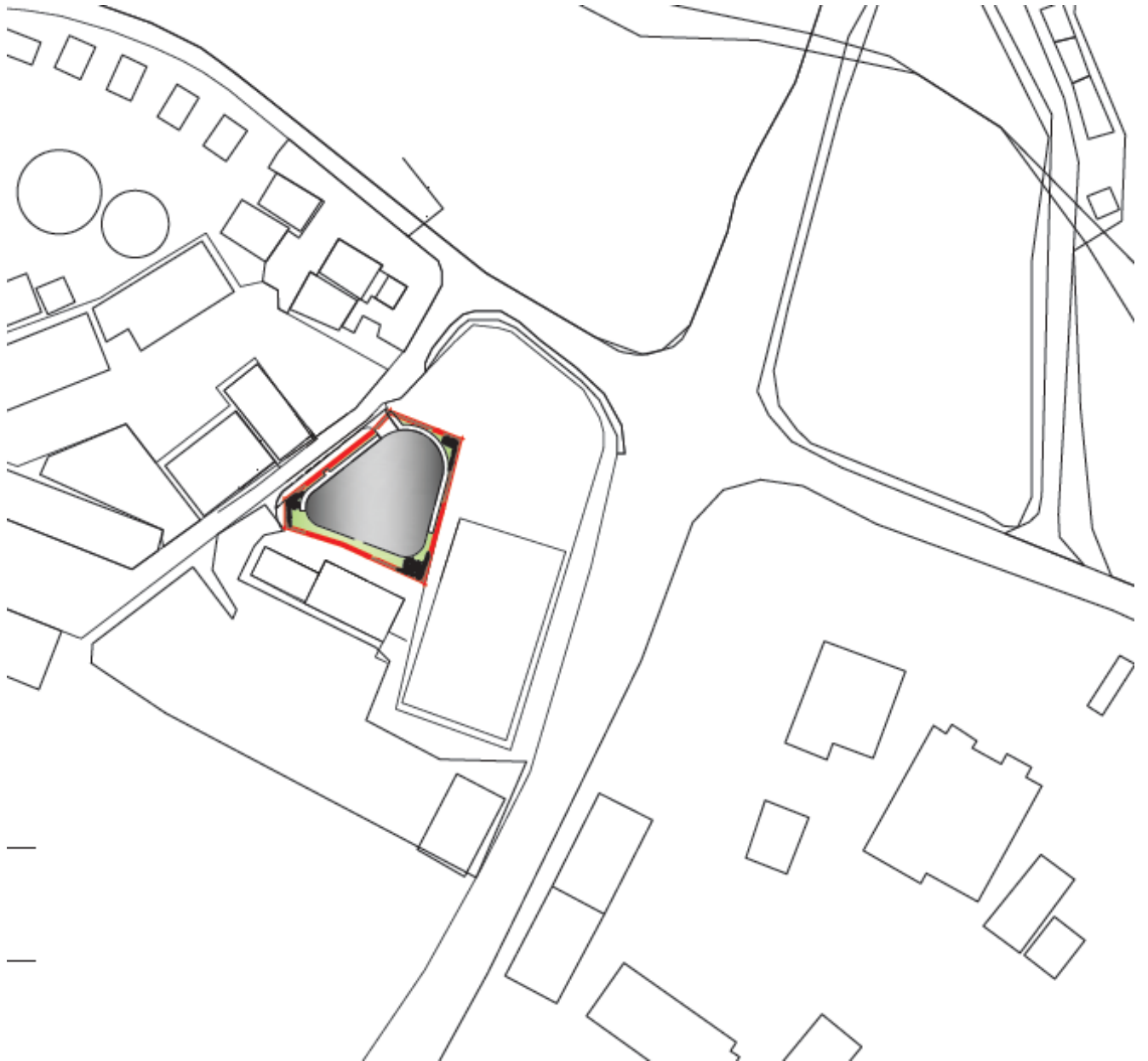
Site Contamination

The developer should keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

**Item 5.05**

**4/02561/15/VAR – VARIATION OF LEGAL AGREEMENT**

**SYMBIO HOUSE, WHITELEAF ROAD, HEMEL HEMPSTEAD, HP3 9PH**



Item 5.05

4/02561/15/VAR – VARIATION OF LEGAL AGREEMENT

SYMBIO HOUSE, WHITELEAF ROAD, HEMEL HEMPSTEAD, HP3 9PH



[Case Officer - Andrew Parrish]

## PURPOSE OF REPORT

To seek approval for a voluntary Deed of Variation of the Section 106 Agreement dated the 24<sup>th</sup> June 2015 to vary the affordable housing provision on site to a commuted sum to be used by Dacorum Borough Council for the provision of affordable housing elsewhere.

## IMPLICATIONS

### **Key Policies, General Policies and Financial**

#### National Policy Guidance

NPPF (paras. 173, 188 and 205)  
NPPG  
TCPA 1990 (s106A and s106B)  
Growth and Infrastructure Act 2013

#### Adopted Core Strategy

CS19 - Affordable Housing  
CS35 - Infrastructure and Developer Contributions

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

#### Policy 13 - Planning Conditions and Planning Obligations

Providing affordable housing is one of the Council's key corporate priorities and this will be retained under the Deed of Variation, albeit as a financial contribution rather than provision in kind.

All other contributions agreed as part of the completed s106 agreement will remain.

The proposals will provide a competitive return to the developer in the form of a viable scheme to ensure delivery.

## BACKGROUND AND PROPOSAL

1. Following the resolution of the Development Control Committee of 18 December 2014 to delegate to the Group Manager Development Management and Planning with a view to approval subject to a s106 agreement, on 26 June 2015 outline Planning Permission was granted under reference 4/02320/14/MOA for Construction of 16-storey and four basement level building comprising of up to 208 flats, offices, retail, leisure space and 228 car parking spaces following demolition of existing office (Class B1) building (all matters reserved).
2. A s106 agreement was completed to secure a package of community benefits and

financial contributions as follows:

<b>Provision of Community Benefits:</b>	<b>Financial Contributions towards:</b>
Affordable Housing (35%) of which 75% Affordable Rent and 25% Shared Ownership	Allotments - £9,389 Outdoor pitches - £68,428 Cycles - see Sustainable Transport Child play space - £238,464 Natural green space - £3,726 TravelSmart - see Sustainable Transport
Green Travel Plan	
Fire Hydrants	
	Primary Education - £157,970 Secondary Education - £84,915 Youth Facilities - £2,329 Libraries - £22,105
	Sustainable Transport - £96,197
	Travel Plan Monitoring - £6,000
	Canal towpath and ped links - £75,000

3. During the course of negotiations the applicant advised the Council that it was having difficulties securing a registered social landlord to take on the affordable housing component. Registered providers were unable or unwilling to engage with the scheme. This is summarised below:

<b>Housing Association:</b>	<b>Response:</b>
Circle Housing	Not a project of interest since HH is not a target area and the specification would produce service charge levels that would not be suitable for an affordable housing customer
Affinity Sutton Trust	Not a project of interest since they do not work in HH and the number of apartments is not sufficient for them and they work on projects that are without competition from other social housing associations
Hightown Praetorian and Churches HA	Not a project of interest since they currently have a considerable number of flats in HH in the pipeline
Guinness Trust	No response received
Hastoe HA	Not a project of interest since they work with Dacorum Council only for rural housing and HH does not come under rural area
Aldwyck HA	No response received
North Herts Homes	No response received
CDS Housing	No response received

Dacorum Borough Council  
Paradigm Housing

No response received  
Meeting held with the housing association.  
Decision not received post submission of  
services charges

4. This was followed up with a viability assessment carried out by Bespoke Property Consultants, a firm experienced in evaluating such matters and the results were presented to the Council. This was used to justify the level of financial contributions that could be paid in lieu of provision in kind whilst allowing the applicant a return as allowed for by Para. 173 of the NPPF.
5. At a meeting of 21st April 2015, it was agreed that a commuted sum would be acceptable and a figure of £3.285 million to be paid by Corona Properties Ltd to Dacorum Borough Council was finally agreed.
6. At the meeting it was also agreed that the s106 agreement should, despite the above, proceed on the basis of the original resolution to provide affordable housing in kind in order to prevent further delays as officers' would have had to revert to the Planning Committee for a further resolution, resulting in uncertainty for the applicants and the potential of also not meeting the CIL deadline of 1 July 2015. As it stood, delays were inevitable anyway in the negotiation of the s106 because of the introduction of pooling rules from April 2015.
7. The applicants were advised to seek a voluntary Deed of Variation to change the affordable housing to a commuted sum after the permission had been issued.
8. There are three options for varying s106 Agreements.
  - Voluntary negotiations where the signatories simply agree to a Deed of Variation.
  - Formal application through s106A and s106B after 5 years from date of signing the agreement on the basis the agreement no longer serves a useful purpose.
  - Formal application through s106BA, which was introduced by the Growth and Infrastructure Act 2013 to allow s106 obligations to be modified in respect of the affordable housing obligations where this was deemed to be making the development unviable (s106BA and s106BC)
9. The two formal methods to apply via s106 of the TCPA 1990 also give the applicants the right to appeal.
10. Neither of the two formal methods are being followed in this case and, instead, the applicant is applying for a voluntary Deed of Variation. The first of the formal methods is not available anyway in this case as the agreement is only a few months old.
11. Based on its discussions with Dacorum Borough Council officers the following variations to the s106 agreement are being proposed for agreement:

**Section:**

**Proposal:**

3.2/3.3/3.4 - Affordable Housing	<p>Delete requirement for provision of affordable housing in kind. Substitute with a requirement for a financial payment in favour of Dacorum Borough Council of £3.285 million for the provision by DBC of affordable housing elsewhere within the Borough.</p> <p>Make necessary consequential amendments to definitions and other sections.</p>
----------------------------------	--

12. Relevant and affected parties have been consulted.

## REPRESENTATIONS

### **Strategic Housing**

The applicant has provided evidence to show registered providers are not interested in the scheme. Strategic Housing therefore supports the application to vary the on-site affordable housing contribution to a commuted sum payment.

The applicant has stated that a commuted sum payment of £3.28m will be paid in lieu of affordable housing. After reviewing a viability appraisal submitted by the applicant the Council agreed to a affordable housing commuted sum payment of £3.285m. The payment in lieu of affordable housing should therefore be £3.285m.

## CONSIDERATIONS

The NPPF states that planning obligations should be set at a level which is flexible and which does not result in developments being stalled. It also makes it clear that it is a legitimate part of planning that developers and landowners should be able to achieve competitive returns in order to ensure viability, and ultimately deliverability.

The difficulty of getting an RSL on board to take on the affordable units would threaten the viability of the development and make any housing on the site undeliverable. This is not considered to be in the best interests of housing provision in Dacorum, as the shortfall would potentially need to be made up elsewhere.

In pre-application discussions, agreement has been reached with Planning and Housing officers to the provision of a financial payment in lieu of on-site affordable housing provision. The amount of the contribution at £3.285 m has been viability tested and accepted by the Strategic Housing Team.

It is clear that without this compromise, the scheme would not be delivered. It is considered important that the Council should have the scheme delivered but it is also important to Corona Properties that it is able to provide a viable development in order to complete the housing scheme.

Based on the above, and from the information received in support, including a detailed viability assessment, it is considered reasonable in this instance to allow a variation to the legal agreement as tabled. It is noted that no objections from the Housing Department have been received.



## RECOMMENDATION

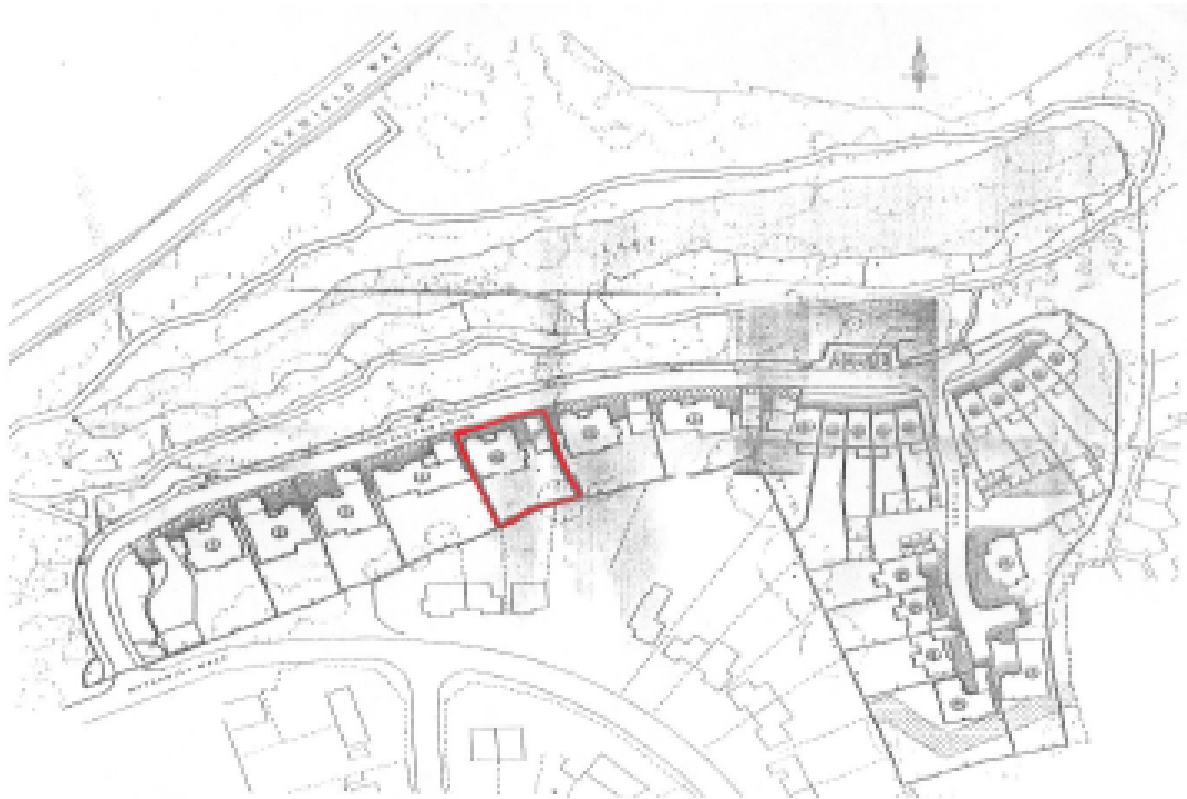
That authority be given for a deed of variation to the Section 106 Agreement dated 24<sup>th</sup> June 2015 to vary the agreement such that a sum of £3.285m is paid in lieu of direct affordable housing provision on the site to be used by DBC for the provision of affordable housing within the Borough as deemed necessary and appropriate.

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## Item 5.06

**4/02296/15/FHA – LOFT CONVERSION INCLUDING ROOF ENLARGEMENT AND SINGLE STOREY SIDE AND REAR EXTENSION**

**5 EGGLETON DRIVE, TRING, HP23 5AJ**

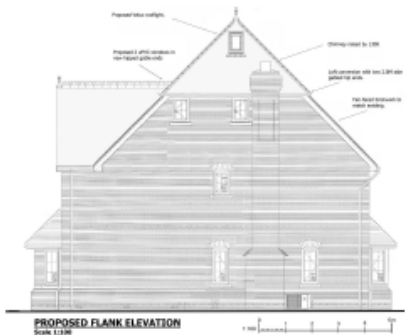


**SITE LOCATION PLAN**

Item 5.06

4/02296/15/FHA – LOFT CONVERSION INCLUDING ROOF ENLARGEMENT AND SINGLE STOREY SIDE AND REAR EXTENSION

5 EGGLETON DRIVE, TRING, HP23 5AJ



**4/02296/15/FHA - LOFT CONVERSION INCLUDING ROOF ENLARGEMENT AND SINGLE STOREY SIDE AND REAR EXTENSION.  
5 EGGLETON DRIVE, TRING, HP23 5AJ.  
APPLICANT: Mr Wall.**

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[Case Officer - Francis Whittaker]

### **Summary**

The application is recommended for approval.

The principle of appropriate residential development is encouraged in this location. The roof alterations and single storey rear extension will not be harmful to the character of the area or the overall streetscene. The proposal will not result in a significant loss of amenities to neighbouring properties. The proposal therefore accords with Policies CS4, CS11, CS12 of the Core Strategy and saved Appendix 7 of the DBLP 1991-2011.

### **Site Description**

The application site is situated within the residential area of Tring and comprises a two-storey detached dwelling. The property was built in the early 2000s. The development of which this forms part of is accessed from Nathaniel Walk and comprises of chiefly detached and substantial 4-5 bed properties, although there is a split row of townhouses at its eastern end.

### **Proposal**

The proposal is for a loft conversion and enlargement of the roof space (to create new en-suite bedroom and attic space) and a partial wrap around single storey extension to the rear. The latter would occupy about two thirds of the rear elevation of the house. The applicant has indicated that he wishes to implement this scheme in two separate phases.

The proposal is virtually the same development that was the subject of pre application discussion under 4/1595/15/PRE. The applicant has followed through with the plans for the hipped roof form (as advised by the case officer), but there have been some minor changes to the number, grouping and location of new velux windows in the roof area.

### **Referral to Committee**

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

### **Relevant history**

4/01644/01/FUL - 23 DWELLINGS AND PROVISION OF ECOLOGICAL PARK

### **Policies**

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS30 - Sustainability Offset Fund  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 58, 99  
Appendices 3, 5 & 7

**Summary of Representations**

Comments received from local residents:

6 Eggleton Drive

We do not object to the loft conversion however we do have the following comments / concerns :

- 1) **Over development** - the changes to the roof are very dramatic and change the scale of the property completely. The submitted photos of the roof are of the townhouses in the development, as a copy of what is proposed, but these are designated 3 storey properties, are designed as such from the outset ,and are situated amongst like minded properties . As such the proposed pans are not in keeping with the properties along Eggleton Drive / the Dundale Park development overall .
- 2) **Loss of light** - The development will impact on our quality of light, and could cast shadows over our garden and bathroom at times.
- 3) **Not in keeping with street scene** - The over bearing number of velux windows draw attention to what is already a large expanse of roof. Velux windows do not feature significantly in the area, and particularly not on the street elevation - front of the house. Your plans clearly show the loft conversion at No. 4 (approved and completed) and the proposed loft conversion at No. 7 (approved). Both these loft conversions are in keeping with the other properties along Eggleton Drive. See point 1 above also.

4) Number 5 sits forward of numbers 1-4 and No. 6, so becomes the first property to expose its flank elevation. The extent of brickwork in a relatively blank elevation, is dramatically magnified. Setting aside the massing issues, above, if the shape of the new roof did go ahead our concern would be the bricks and mortar will not match perfectly, and as such will draw attention to scheme. See points 1 and 3 above.

5) **Phase 2 family room at rear of property** : We do not object to this however we do object strongly to the additional chimney stack planned as part of this extension as it will look unsightly and spoil our view from our garden.

#### 4 Eggleton Drive

Please see below our comments and concerns with the above proposed planning application and plans.

We do not object to the loft conversion providing it is carried out in keeping with the other properties in our beautiful development such number 4 (Our House) and Number 7. Currently as the plans are it isn't so we would object because we do have the following concerns:

1) **Over development** - The changes to the roof are very dramatic and change the scale of the property completely. The submitted photos of the roof are of the townhouses in the development, as a copy of what is proposed, but these are designated 3 storey properties and designed from the outset as such. The drawings are not clear exactly what is being proposed and the plans, elevations and the pictures contradict each other. The link <http://site.dacorum.gov.uk/PlanDocs/364/44/73/04/44730417.pdf> on your website is incorrect, it is wrong handed.

2) **Loss of light** - The development will impact on our quality of light, and could cast shadows over our garden at times. The end gables will look very tall and dominate the appearance of our house and number 6. We feel the side of the house will look like the side of a tall warehouse to ours. We would also strongly object to the 2 side windows on this elevation at high level because we will be over looked.

3) **Not in keeping with street scene** - The over bearing number of velux windows draw attention to what is already a large expanse of roof. Velux windows do not feature significantly in the area, and particularly not on the street elevation (Front of the house). I cannot see the benefit to the velux windows in the master bedroom (Facing front)

4) Number 5 sits forward of numbers 1-4 and number 6 so it becomes the first property to expose its flank elevation. The extent of brickwork in a relatively blank elevation is dramatically magnified. Setting aside the massing issues above, if the shape of the new roof did go ahead our concern would be the bricks and mortar will not match perfectly and as such will draw attention to scheme. See points 1 and 3 above.

5) I cannot see benefit of having the upper two velux windows for the impractical loft / attic area. It takes the eye right to the top of the ridge on the roof.

6) **Phase 2 family room at rear of property** - We do not object to this, however we do object strongly to the additional chimney stack planned as part of this extension as it will look unsightly and spoil our view from our garden.

#### Tring Town Council

Tring Town Council refuses this application the following grounds: (i) Over development the proposed changes alter the the scale of the property unacceptably (ii) Loss of light to neighbouring properties (iii) Not in keeping with neighbouring properties especially the velux windows to the front

#### Hertfordshire Ecology

1. We have no bat records from Eggleton Drive itself but there are records from adjacent roads and properties. Furthermore bats will be using the adjacent Dundale wood and lake Wildlife Site, so it is clear bats are active throughout this area, and could potentially be using the roof space of the property.
2. The proposals themselves will have a significant impact on the existing roof, and will affect any bats that may be present.
3. Although the properties are relatively recent, this in itself would not preclude bats from using them – they have been known to roost even within modern warehousing. However, it is apparent from the available Google streetview that the roofs are in very good condition with little or no missing or gaps between tiles. Furthermore the soffits are also modern, in good condition and tightly fitting leaving little or no gaps of any kind.
4. On this basis I consider that the potential bat access to the roof is most likely to be negligible and that it is therefore unreasonable for the LPA to require a bat assessment on this occasion.
5. However, bats and their roost remain protected and could still be unexpectedly discovered during the course of any works. Consequently **I advise that an informative is placed on any approval to the effect that:**
  - *If bats or any evidence of them is discovered during the course of any works, works should stop immediately and advice sought as to how to proceed. This may be obtained from: A suitably qualified ecological consultant; Natural England: 0845 6014523; The UK Bat Helpline: 0845 1300228 or Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk) ;*
  - I am not aware of any other ecological issues associated with these proposals for which I have any significant concerns.

#### **Considerations**

The site falls within the urban area of Tring wherein the principle of extensions is generally acceptable. The key issues to consider relate to the impact of the proposed works on the character and appearance of the original building and street scene, the impact on the amenities of neighbouring properties and adequacy of car parking.



### Effect on appearance of building

Policy CS12 states that development should respect adjoining properties in terms of scale, height and bulk.

Converting the existing space via the inclusion of dormers would have been the preferred approach as it would have had the least impact on the property. This has been the approach taken with Nos. 4 and 7 Eggleton Drive (resp. 4/1391/04 and 4/0683/14). However, it is recognised that this does not always maximise opportunities to increase living space and the concern of the applicant that part of the floor area would effectively be lost to the stairs in order to gain access.

The roof area would be increased outwards from the ridge line (by 5.3m) rather than upwards (and only to the same height as the existing ridge ). This is welcomed as an approach as any increase over this would be more difficult to support. This would require some of the brickwork to be taken up from the eaves on the side elevations. The half hipped ends help in reducing the impact of the enlarged roof area and end elevations, keeping the extension more subordinate, maintaining the general character of the dwelling and not detracting from the appearance of the original building.

### Effect on street scene

The properties that make up this development have a strong overall character given they were built at the same time to a broadly similar design and palette of materials. As a rule of thumb, the roofs do tend to be large reflecting the substantial size of these properties. However, they do display slight variations in terms of design particularly in respect of the roof form. A number of the properties do exhibit the same broad bulk of roof as that proposed (e.g. Nos. 3 and 7 Eggleton Drive), especially the town houses. Thus what is proposed is not considered wholly out of keeping with the character of houses in this locality.

While the properties are built in a row, the road curves slightly and it is narrow. There are also a number of garages that extend forward of the building line. Eggleton Drive is also edged by a tall hedge line. These factors mean that any changes to the property will not be so visible/dominant as to detract from the general uniformity of the other houses.

The proposal includes a relatively large number of rooflights within the roof structure, however, with the removal of the highest level rooflight in the front elevation, as requested, these windows are placed in a symmetrical form and will not be so harmful to the appearance of the dwelling to justify refusal. It should be noted that in most urban situations the insertion of rooflights is permitted development and falls outside planning control.

Therefore, it is concluded that there should not be any significant harm to the character of the street scene.

It is recommended that the materials of the proposed extension match the existing dwelling. This will allow the proposed extension to harmonise with the original design and character of the house in terms external finishes (required by saved Appendix 7 of the Dacorum Borough Local Plan).

### Effect on amenity of neighbours

Policy CS12 states that regarding the effect on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy.

### Visual intrusion & loss of privacy

Adequate spacing (of at least 23m) exists between the property and its rear neighbour on Nathaniel Walk, including landscaping at the shared rear boundary. There is reasonable spacing between its side neighbours because of the existence of existing garages on the side boundaries of adjacent properties. All windows will form part of the roof slope and are inset from flank walls, and if side windows are to be provided they are small and high level. Such an arrangement should not significantly impact on neighbours in terms of visual intrusion and loss of privacy. The applicant has agreed to remove the two proposed second floor windows in the side elevation to overcome neighbours loss of privacy concerns.

The single storey extension is small scale and due to its height and separation between adjacent properties will not result in any significant loss of amenities.

The new chimney to the rear has been amended to slightly reduce its height. Due to the position of this element of the proposal, well away from the property boundary, it is considered grounds for objection could not be sustained.

### Loss of light

It appears that there would not be any significant adverse effect in terms of loss of light to neighbours. The roof area will be increased but this will remain within the existing extent of the property (rather than extending beyond it and closer to the neighbours). The hipped gables will reduce some of its impact by allowing additional levels of light compared to a gable treatment. The separation of neighbouring properties and the juxtaposition of the neighbours (to the east and west of the application property) will also further help in minimising the impact.

### Car parking and access

A new bedroom would be created by the development. There would be sufficient on-site parking for this proposal. The property is provided with a double garage which would allow for 4 cars to be parked off road. Policy 58 indicates a maximum of 3 parking spaces should be provided for a 4 bedroom (plus) property. The Provision of three parking spaces would be considered appropriate in this instance to accord with Core Strategy Policy CS8, saved DBLP policy 58 and Appendix 5.

Ample space also exists on the road for off-street parking (without restrictions). This is considered to be a satisfactory parking arrangement. Therefore the proposal would not have any parking implications.

### Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community

Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. Due to the small-scale nature of this application, it is not CIL Liable.

## Conclusions

The loft conversion / roof enlargement and single storey extension are not considered to give rise to any significant concerns sufficient to justify withholding consent. This scheme is therefore 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 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.

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

Drawing No. 01  
Drawing No. 02  
Drawing No. 03

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

## INFORMATIVE

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

## Article 31 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) (Amendment No. 2) Order 2012.

## 6. APPEALS UPDATE

### A. LODGED

None

### B. WITHDRAWN

None

### C. FORTHCOMING INQUIRIES

None

### D. FORTHCOMING HEARINGS

4/00365/15/FUL      BRAYBEECH HOMES LTD - MR S BOOTH  
CONSTRUCTION OF TWO SEMI-DETACHED HOUSES  
LAND TO THE REAR OF 17 STATION ROAD, TRING,  
HP235NG  
[View online application](#)

### E. DISMISSED

None

### F. ALLOWED

4/00274/15/FHA      Mr Goldthorpe  
FRONT & REAR DORMER WINDOWS  
3 MONTAGUE ROAD, BERKHAMSTED, HP4 3DS  
[View online application](#)

The Inspector concluded that, given the design approach and proposed facing materials, which can be finally agreed by condition, the architectural form proposed would not be out of place or harmful to the character and appearance of the area. Therefore, it was concluded that the proposed additions would have a neutral effect

on the character, appearance and setting of the Conservation Area and so would preserve it.

4/03188/14/FHA

Dr R Green

LOFT CONVERSION WITH TWO FRONT DORMERS, ONE REAR VELUX ROOF LIGHT AND GABLE END WINDOWS  
65 SHELDON WAY, BERKHAMSTED, HP4 1FG

[View online application](#)

#### Decision

The appeal is allowed and planning permission is granted for loft conversion two front facing dormers, one rear facing velux roof light, gable end windows at 65 Sheldon Way, Berkhamsted, Hertfordshire, HP4 1FG in accordance with the terms of the application, Ref 4/03188/14/FHA, dated 3 November 2014, subject to the conditions in Annex A.

#### Main Issue

The main issues are the effect of the proposal on (a) the character and appearance of the area and (b) the availability of on street car parking.

#### Summary

The property fronts onto the river and the dormers would be visible to passers by using the river footpaths or travelling south along Sheldon Way. However, given that they would be well proportioned and detailed I do not consider that this would be harmful to the overall character of the area. It would not be in conflict with policies CS11 and CS12 of the Dacorum Core Strategy (CS) or Saved Local Plan Policy (LP) Appendix 7

The development would increase the size of the house from 3 bed to 5 bed. The Council consider that a dwelling of this size should have 3 parking spaces. The Appendix to the LP expresses the standards as a maximum. Nevertheless I have considered whether an additional car could, if required, be accommodated on street.

There are not any parking restrictions in place along Sheldon Way. At the time of my visit, in the morning, there was some on street parking taking place. Equally there was also space available to park safely close to No 25. In addition the information supplied by the appellant demonstrates that this is the case at other times of the day. I appreciate that the Council consider that there is an issue of parking stress. However, I have no substantive evidence that shows this to be the case. This level of availability in combination with the available on plot for nearby dwellings parking suggests to me that there is unlikely to be a significant pressure on the available on street parking. As such I consider that it would be possible for an additional vehicle to be accommodated on street if required.

Overall I have considered the existing situation and the ability of any unmet parking

demand to be accommodated safely on the street. The adopted policies point to consideration of a maximum provision. Furthermore the appellant has highlighted that the site is accessible. In particular that there is access to bus routes nearby, local shops and services on foot and that a mainline train station is also within walking distance. This is not disputed by the Council. These factors would assist in reducing the need to travel by car and weigh in favour of the proposal.

I therefore conclude that the proposal would not have a harmful effect on the availability of on street car parking. It would not be in conflict with CS policy CS12 in so far as it requires new development to provide sufficient parking and Saved Local Plan Policy Appendix 5 which amongst other things seeks appropriate parking for residential development.

#### Conclusion

For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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