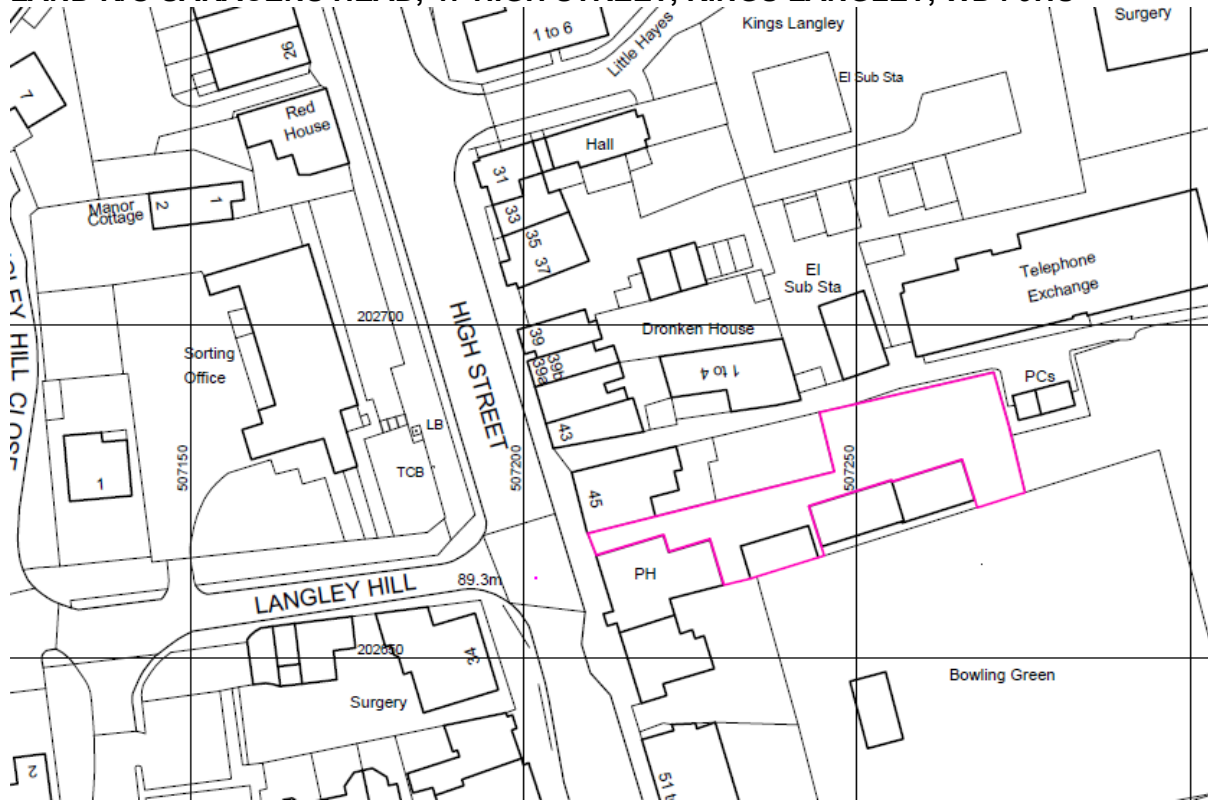


**ITEM 5.13**

**4/00756/15/FUL - CHANGE OF USE TO PRIVATE DWELLING, REPLACEMENT WINDOWS AND DOORS, INTERNAL WORKS.**

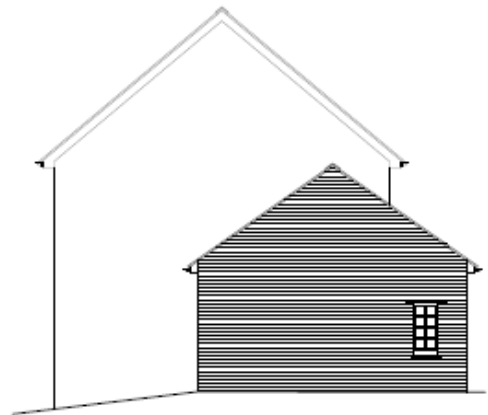
**LAND R/O SARACENS HEAD, 47 HIGH STREET, KINGS LANGLEY, WD4 9HU**



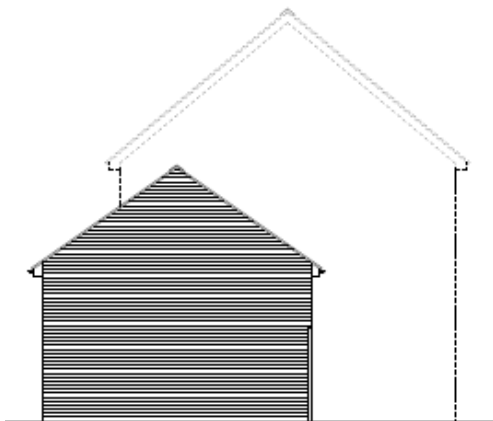
**4/00756/15/FUL - CHANGE OF USE TO PRIVATE DWELLING, REPLACEMENT WINDOWS AND DOORS, INTERNAL WORKS.  
LAND R/O SARACENS HEAD, 47 HIGH STREET, KINGS LANGLEY, WD4 9HU**



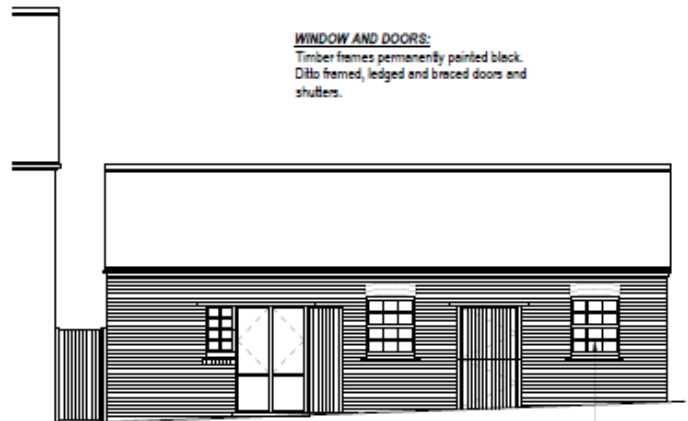
**South Elevation**



**West Elevation**

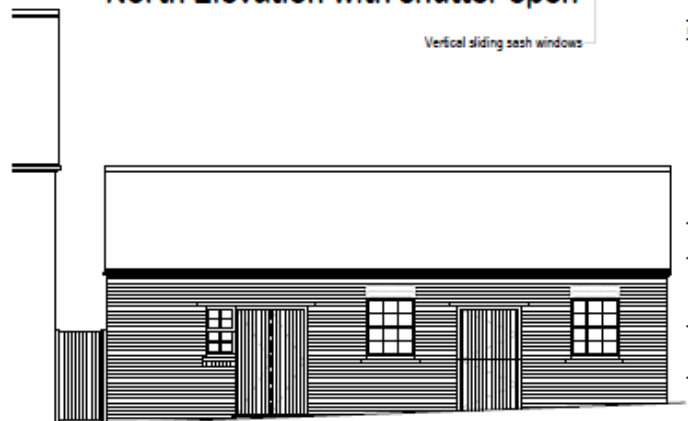


**East Elevation**



**North Elevation with shutter open**

**WINDOW AND DOORS:**  
Timber frames permanently painted black.  
Ditto framed, ledged and braced doors and shutters.



**North Elevation with shutter closed**

Vertical sliding sash windows

**4/00756/15/FUL - CHANGE OF USE TO PRIVATE DWELLING, REPLACEMENT WINDOWS AND DOORS, INTERNAL WORKS.  
LAND R/O SARACENS HEAD, 47 HIGH STREET, KINGS LANGLEY, WD4 9HU  
APPLICANT: Mr Mitchell**

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[Case Officer - Andrew Parrish]

## **Summary**

The application is recommended for approval. The proposed alterations would not harm the character, appearance or historic interest of this curtilage listed building. The proposals would provide satisfactory parking, access, private amenity space and refuse storage facilities in association with the conversion to a one-bedroom dwelling. The proposal would not result in an over-development of the site and there would be no harm to the Conservation Area.

## **Site Description**

The area surrounding the application site comprises the existing car park and outbuilding to the Saracens Head PH, High Street, Kings Langley which is Grade II listed. The wider site has recently completed construction work following permission in 2012 for a two storey block of 4 x 2-bed flats together with amenity space and car parking, and the conversion of the existing outbuilding to a B1 office unit.

Alterations have been carried out to the latter building to convert it to a dwelling rather than a B1 use, which have not been approved.

The application site comprises an outbuilding which is curtilage listed. The site adjoins a bowling green to its south, and recently constructed refuse store to its west, flats to the east together with associated access and parking. The wider site adjoins a public footpath to its northern boundary together with a number of buildings, including a telephone exchange and an electricity sub-station north of this and public conveniences immediately to the east. Public open space lies beyond this. The surrounding area comprises a mix of commercial uses together with residential properties to the rear of the High Street frontages. There are a number of mature trees close to and adjoining the northern and eastern boundaries of the site.

## **Proposal**

Permission is sought for change of use of the outbuilding from office to residential together with alterations to the fenestration and internal layout.

Car parking would comprise a small layby alongside an access road that has already been constructed in connection with the 2012 permission.

A small dedicated private amenity space is proposed adjacent to the refuse storage area.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the

contrary views of Kings Langley Parish Council.

## **Planning History**

- 4/00757/15/LBC CHANGE OF USE TO PRIVATE DWELLING, REPLACEMENT WINDOWS AND DOORS, INTERNAL WORKS.  
To be determined
- 4/01939/14/FUL CONVERSION AND CHANGE OF USE OF B1 OFFICE SPACE (FORMER STORAGE BUILDING) TO FORM DETACHED DWELLING WITH EXTERNAL ALTERATIONS.  
Refused  
22/10/2014
- 4/00774/14/LBC CONSTRUCTION OF FOUR (TWO BED) FLATS WITH ANCILLARY PARKING AND CHANGE OF USE OF BIN STORE TO B1 (OFFICE SPACE)  
Granted  
04/06/2014
- 4/00045/14/FUL CONVERSION AND CHANGE OF USE OF STORAGE BUILDING TO FORM DETACHED DWELLING WITH ADDITION OF DORMER WINDOW EXTENSIONS.  
Refused  
12/03/2014
- 4/00733/12/FUL CONSTRUCTION OF FOUR (TWO BED FLATS) WITH ANCILLARY PARKING AND CHANGE OF USE OF BIN STORE TO B1 (OFFICE SPACE). (AMENDED SCHEME)  
Granted  
14/05/2012
- 4/01515/11/FUL CONSTRUCTION OF FOUR (TWO BED FLATS) WITH ANCILLARY PARKING AND CHANGE OF USE OF BIN STORE TO B1 (OFFICE SPACE)  
Withdrawn  
30/12/2011
- 4/00224/10/PRE CONSTRUCTION OF THREE TERRACED DWELLINGS  
Raise objection  
27/05/2010

## **Policies**

National Policy Guidance

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

Adopted Core Strategy (CS)

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS19 - Affordable Housing  
CS23 - Social Infrastructure  
CS27 - Quality of the Historic Environment  
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 (DBLP)

Policies 10, 13, 18, 21, 34, 51, 54, 58, 63, 99, 100, 111, 119 and 120  
Appendices 1 (*to be updated through the C-Plan sustainability checklist*), 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines Sections 1, 3, 7, 9, 10, 12  
Water Conservation  
Energy Efficiency and Conservation  
Planning Obligations  
Affordable Housing (originally adopted January 2013)

Advice Notes

Sustainable Development Advice Note (March 2011) *Note: This is in the process of being updated to reflect the content of the adopted Core Strategy*

**Summary of Representations**

Kings Langley Parish Council

Objects on the grounds that the residential uses of the whole plot would become over-cramped, and this additional residential use would be out of keeping with the commercial uses in the High Street Conservation Area.

Conservation and Design - The proposal including a large window to the left of the north elevation is unacceptable. This has always functioned as a simple outbuilding

relating to the public house. The proposal over-domesticates the building to the point where it loses its historic resonance and character.

It is my strong opinion that the building is returned to its original form regarding its openings. I may consider the large door that originally dominated the left side of the north façade (with a small side window) having a recessed glass door whilst retaining the ledged and braced door which could be pinned back or when required used to cover this opening.

The windows should also return to their original form (timber vertical sliding sashes) and should along with the doors be painted black and this should form part of a condition that this colour must be retained ad infinitum. I recommend the application as presented for refusal.

Scientific Officer - A contaminated land investigation was undertaken at the site in respect of planning permission 4/00733/12/FUL for the construction of 4 flats and change of use of bin store to office (the further change of use of this office to residential being the subject of this application). The resulting report was submitted and approved under planning reference 4/01321/13/DRC. No remedial works were deemed necessary and condition 10 was recommended for discharge subject to a watching brief during ground works (see memo dated 19 July 2013).

In respect of this application, I would reiterate the requirement for a watching brief to be undertaken during any associated ground works for 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.

#### Strategic Planning

Any comments received will be reported at the meeting.

#### Building Control

Any comments received will be reported at the meeting.

#### Trees and Woodlands

Any comments received will be reported at the meeting.

#### Hertfordshire Highways

Any comments received will be reported at the meeting.

#### HCC Planning Obligations Officer

Any comments received will be reported at the meeting.

#### HCC Historic Environment Officer

Any comments received will be reported at the meeting.

### Affinity Water

Any comments received will be reported at the meeting.

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

None

### **Considerations**

This is an amended application following two previous refusals in 2014.

The 2012 permission / 2014 consent for four flats have largely been built out.

### Policy and Principle

The site falls within the local centre of Kings Langley wherein a mix of uses including housing is acceptable under Policies CS1 and CS4 of the Dacorum Core Strategy (September 2013). Saved Policy 10 of the DBLP encourages the use of urban land to be optimised. Policies CS10, 11, 12 and 13 of the CS are overriding policies that seek a high quality of design in all development proposals.

The Saracens Head PH is a Grade II listed building. Under saved Policy 119, any new development liable to affect the character of an adjacent listed building must be of such a scale and appearance, and must make use of such materials, as will retain the character and setting of the listed building.

The outbuilding the subject of this application is curtilage listed and therefore, in accordance with saved Policy 119, consent to alter or extend the listed building will only be granted where it can be satisfactorily demonstrated that the proposal will be carried out in a manner appropriate to the scale, proportion and external and internal appearance or historic character of the building to which it relates.

The site lies within the Kings Langley Conservation Area wherein under saved Policy 120 development proposals must preserve or enhance the established character or appearance of the area.

The key issues in the determination of this application relate to the impact of the proposal on the character, setting and historic interest of this curtilage listed structure, the setting of the main listed building, the character and appearance of the Conservation Area, and the impact in terms of the layout, access and car parking arrangements.

### Impact on Listed Building and Conservation Area

The site is within Kings Langley High Street Conservation Area. The Saracens Head public house is a Grade II listed building and there are a number of other listed buildings along the High Street frontage. The outbuilding is curtilage listed.

Section 72(1) of the Planning (Listed Building & Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving or enhancing the character or appearance of conservation areas and that special regard is had to the desirability of preserving the setting and character and historic interest of listed buildings.

Saved Local Plan Policy 120 supports this, and includes an expectation that new development in a conservation area will respect the existing pattern of development and be of a design which is compatible with that of the surrounding area.

Saved Policy 119 draws attention to development affecting and in proximity to listed buildings, requiring that the character or appearance is not harmed and that the scale, appearance and materials used in construction retain the character and setting of the listed building.

Policy CS27 states that:

**"The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced."**

Policies CS10, 11, 12 and 13 of the Dacorum Borough Local Plan are overarching policies that seek to ensure that all development is of a high quality and respects the townscape and general character of the area.

The application seeks permission to convert a small storage outbuilding, historically associated with the Saracens Head PH, to a dwelling.

the key issue in this case is the impact on the setting of the listed building and the fact that this building is curtilage listed. A further important issue is the effect of the proposals on the character and appearance of this part of the Conservation Area.

The existing building is a representation of a small outbuilding used in relation to the public house. While in itself not of great merit architecturally, it is part of its intrinsic interest as a small building related to the use of the public house. The change of use (under the recent 2012 application) did little to alter its appearance, allowing its association with the public house still to be read (i.e. it does not visually distort its association). For this reason the Conservation Officer was happy to support the conversion of the building to an office use.

Officers have previously advised that they are not against the principle of conversion provided it would not result in major change to the appearance of the building. The previous alterations, which included extensions to the roof, did result in major change to the appearance of the building and were not sympathetic in design, colour or materials.

The Conservation Officer has advised that the current proposed fenestration alterations would over-domesticate the building to the point where it loses its historic resonance and character. She has therefore advised that the building should be returned to its original form regarding the openings.

Two iterations of amended plans have subsequently been received which introduce shutters to the left hand full length windows to replicate the original wooden doors, sliding sash windows with timber frames, and framed ledged and braced doors and shutters, all painted black.



The Conservation Officer is happy with the amendments in Conservation terms which address the previous reasons for refusal. The right hand door has not changed in width as suggested by the Conservation Officer.

The Design and Access Statement indicates that the previously raised issue of the cement render plynth will be removed. It is recommended that this be done before occupation.

The proposal would preserve the architectural and historic interest of the listed building and its setting, and the character and appearance of the Conservation Area. It would comply with Policies CS12 and CS27 of the CS, and saved Policies 119 and 120 of the DBLP.

### Layout and amenities

The previous issue with regards to windows overlooking the adjacent refuse storage area has been addressed with the inclusion of a gated 1 m margin leading to a small yard. With regards to refuse, the agent has previously stated that the refuse area is as existing for the implemented development. The red line plan encompasses this which is considered satisfactory.

The layout of the development previously failed to give adequate consideration to the provision of private amenity space to serve the dwelling as no specific amenity space was designed in to serve the new dwelling, contrary to guidance in Appendix 3 of the DBLP. The proposal now includes shared provision of the communal space with Saracens Mews and the unit also has a small private yard adjacent to the refuse area.

With regards to the Parish Council's objections on "over-cramped" grounds, whilst detailed concerns were raised about amenity space, refuse storage and parking on the previous refusals, these shortcomings have been adequately addressed under the current application and the number of bedrooms has also been reduced from two to one, alongside the omission of the raised roof and first floor. Consequently, it is not considered that a refusal on cramped or over-developed grounds could be substantiated in this case. It should also be noted that there is an extant permission for its use as offices which in car parking terms could have an equally if not more intensive use than a single bedroom residential use.

The proposal would comply with Policy CS12 and Appendix 3 of the DBLP.

### Access and parking

Access would be as existing which is shared with four other dwellings.

On the previous but one application, the highway engineer noted that the proposed car parking bays that would serve the new residential unit did not meet the required standards as set down in Appendix 5 of the DBLP (i.e. Manual for Streets says that parallel parking spaces should be 6 m long). Amendments were requested at the time but no changes were made to those plans. Under the current application a two bay layby is proposed in front of the building and the dimensions of each space have been adjusted accordingly to comply with the 6 m request.

Consequently the proposal is considered acceptable in terms of parking facilities and complies with Manual for Streets and Appendix 5, in accordance with Policy CS12 of the CS and saved Policies 51 and 58 of the DBLP.

### Impact on neighbours

It is considered that the proposal would have an acceptable relationship to existing dwellings in terms of residential amenities.

The proposal would therefore comply with Policy CS12(c) of the CS.

### Sustainability

The previous applications were refused on grounds of the absence of a sustainability statement to demonstrate a sustainable approach to the development.

A satisfactory C-Plan sustainability statement has been submitted as required under Policy CS29 and Para. 18.22 of the CS and the Sustainable Development Advice Note. The proposal would therefore comply with Policy CS29 by demonstrating a sustainable approach to the development in terms, inter alia, of water, drainage, energy conservation, waste reduction, reuse of materials, etc.

### Planning Obligation

The previous applications were refused on grounds of the lack of a completed s106 unilateral undertaking to secure affordable housing and SPD contributions.

However, a written Ministerial Statement on 28 November 2014 (House of Commons Written Statement - reference HCWS50) sets out proposed changes to national policy with regard to Section 106 planning obligations, and has resulted in an amendment to the National Planning Practice Guidance (NPPG), paragraph 012 of Planning Obligations notes the following:

'There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.'

The NPPG goes onto state that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

This ministerial guidance and note within the NPPG are considered to represent significant weight as material considerations to be balanced against the requirements of Policy CS35 of the Core Strategy, saved Policy 13 of the Local Plan and Planning Obligations Supplementary Planning Document which aim to secure planning obligations to offset the impact of new residential development upon local services and infrastructure. The commitment of the Government to revise the s106 process indicates that the existing policies of the Development Plan are out-of-date with the current Government guidance. In line with Policy NP1 of the Core Strategy, it is therefore proposed to apply more weight to the revised guidance in the NPPG.

It is noted that the proposal falls beneath the threshold of ten dwellings and would also have a gross floor space of less than 1000m<sup>2</sup>. It therefore falls beneath the threshold where the exemption from Section 106 affordable housing contributions and tariff style contributions applies. On this basis it is not justified to seek Section 106 contributions for this 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 The development hereby permitted shall be constructed in accordance with the materials and details specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: To safeguard the character and appearance of the Listed Building and Conservation Area in accordance with Policies CS12 and 27 of the Dacorum Core Strategy September 2013 and saved Policies 119 and 120 of the Dacorum Borough Local Plan 1991-2011.

- 3 The development hereby permitted shall be carried out in accordance with the approved C-Plan Sustainability Statement.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 and Paragraph 18.22 of the Dacorum Core Strategy September 2013.

- 4 If it has not already been removed, the existing cement render plynth shall be removed from the building before first occupation.**

Reason: To safeguard the character and appearance of the Listed Building and Conservation Area in accordance with Policies CS12 and 27 of the Dacorum Core Strategy September 2013 and saved Policies 119 and 120 of the Dacorum Borough Local Plan 1991-2011.

- 5 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:**

**Schedule 2 Part 1 Class A, C, D, G, H**

## **Part 2 Class C.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the Listed Building and Conservation Area in accordance with Policies CS12 and 27 of the Dacorum Core Strategy September 2013 and saved Policies 119 and 120 of the Dacorum Borough Local Plan 1991-2011.

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

**9189-L-00-LP**  
**9189-L-00-01**  
**9189-L-00-02**  
**9189-L-00-03B**

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 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:

The applicant is advised that a watching brief should be undertaken during any associated ground works for 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.