



**DEVELOPMENT CONTROL COMMITTEE**  
**Thursday 7<sup>th</sup> April at 7.00 PM**

**ADDENDUM SHEET**

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**5.01**

**4/03481/15/MFA CONVERSION OF EXISTING AGRICULTURAL BARN**

FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD

Additional comments received from the British Horse Society

**Summary**

We note a form of agreement appears to be available to refurbish and redesign the stables and yard buildings to retain a commercial livery business on the site and land, although there remains a need for additional facilities to replace those lost by the proposed conversion of the commercial barns to domestic dwellings.

There are many examples which show the applicant appears not to have taken the necessary knowledgeable professional advice about the design requirements and necessary facilities of a viable commercial livery business. There are also examples within the proposal and the additional plans and information that are simply not practical and would make it unworkable. For example:

- (i) It would be impossible to load or unload horses from the trailers in the design locations.
- (ii) Changing the design to having the towing vehicle nose in to load and unload horses on site roads with public access creates a potential significant danger and puts at risk the welfare and safety of the horses, employees and potentially any residents or visitors.
- (iii) Other proposals in the plans create additional risks unlikely to satisfy Fire or Health and Safety standards for an equestrian commercial enterprise. See *appendix 2.0 and 4.4.*
- (iv) The current proposed design with a lack of basic support facilities for the horse or rider and not even a W/C, wash basin or changing area is unlikely to attract horse or pony owners to consider stabling their animals on this site.

It would therefore be very unfortunate if the Committee were to recommend approval at this stage and we suggest they refuse the amendment and request the applicant

to submit a new proposal having first sought professional knowledgeable advice as DEFRA and others strongly recommend.

The earlier offer made by the British Horse Society to provide you and or your colleagues with advice on equestrian issues remains, although we feel very strongly that a professional knowledgeable designer would be a good first step for this applicant to consider.

It would be helpful to all if they were also able at the same time to provide a business plan and ideally an outline management plan.

## **APPENDIX A**

To letter dated 3 April 2016 (above) addressed to Dacorum Borough Council, Planning Dept.

Flauden House Stables application 4/03481/15/MFA and additional information and plans sought by the Development Control Committee.

The following reference documents were consulted when making an assessment of the above planning application plans, additional information and proposals:

**HM Govt** – Fire Safety Risk Assessment for Animal Premises and Stables

**DEFRA** - [Keeping farmed animals](#) – guidance information about horses kept for both agricultural and other business but non-agricultural purposes – e.g. in livery stables.

**National Equine Welfare Council** - Equine Welfare Guidelines for Horses, Ponies and Donkeys

**Health & Safety Executive** – Welfare at Work – Guidance for Employers for Welfare at Work

**British Horse Society** – Livery Yard Approval Criteria

### **General**

The following information and data is presented in the same format as items to be considered on index item 5a of the Development Control Committee Agenda for 7 April 2016.

It is important to highlight some major issues in the amended proposals and plans that create an unacceptable risk and contravene or fail to recognise regulatory requirements or recommendations for Health and Safety and Fire Risk as can be found below in para 2.0 4.1 4.3 & 4.4

No provision is indicated on the application for the storage and management of waste. No muck heap is shown and other environmental issues such as in 1.2 below will need to be addressed.

### **1.0 Water**

The fact that the applicant's advisor refers to a "metal horse basin" to describe a horse trough appears to reinforce the view of a lack of professional knowledge of equestrian requirements as is also evidenced by throughout the proposal.

- 1.1 The provision of exterior wall mounted taps at the traditional U configuration 12 stable block and the wooden building with four internal pony boxes satisfies the requirement to be able to fill water buckets for each of the stables in order that the horses and ponies have continual access to drinking water when inside (see *Defra Guidelines*).
- 1.2 Metal horse troughs outside stables are often used these days to soak hay in nets prior to feeding to horses. We assume the leachate pollutants from this process if undertaken would be dealt with in line with ***Defra Guidelines - disposal of hay soaking residues***.

## 2.0 Hay and Feed storage

The RICS surveyor, Ms Laura Macqueen, reported the “*small stable block providing four pony sized loose boxes*” is a wooden construction with a wooden store/tack room.

The application suggests this attached store will be used solely for hay storage.

**It is unlikely that this proposal will satisfy the requirements of either the “2007 Fire Safety Risk Assessment for animal premises and stables” nor the “Government’s equine strategy for animal welfare arrangements, from fire”. See also 4.4 below.**

***We recommend the applicant provides alternative storage for combustible materials and seeks advice on this and other fire safety aspects from Hertfordshire Fire and Rescue Services.***

2.1 No clear indication is provided as to where hard feed and supplements will be stored – it is advisable they are kept in a building with metal vermin proof bins.

## Tack Room

3.1 It appears sensible to use the space previously allocated to the manager’s office as a tack room and storage for first aid and medicines. There is no indication on the plans of a sink for washing and cleaning of tack and equipment; ***presumably this can be provided?***

We assume the manager will also dedicate part of his/her domestic premises for office use and record keeping (***legislation includes horse passport records and other documents***).

3.3 ***It is important for a livery yard to have facilities to store and dry horse rugs.***

Most horses will have a minimum of two rugs in use at any one time and whilst dry rugs can be folded and stored on shelves the wet rugs will need a suitable area and methods to hang them whilst they dry. **There will be insufficient space in the proposed tack room.** (see *NEWC Code of Practice*)

3.4 It is important the applicant provides adequate and safe storage of all tack and associated equipment as there is an increasing problem with the theft of such equipment. ***It is strongly recommended contact is made with Hertfordshire Police Rural Crime Unit on this issue.***

## **Car and Horse Trailer Parking**

4.1 Plans 15.149.97.600 & 15.149.001 indicate car parking provision for 12 motor cars. It would appear that 7 are reserved for Livery yard staff and clients and 5 reserved for use by potential residential occupants of the Coach House and Barn 1.

4.2 In addition four parked motor vehicles coupled to horse trailers are shown located in bays where the application states it is proposed to temporarily load and unload horses or ponies.

Three occupy the current grassed area in the centre of the U shape stable block and are backed up to a fence and one in the narrow yard alongside the single door to the wooden building with four internal pony stables and backed up the door to the proposed hay store.

4.3 It is apparent that the designer of this temporary loading and unloading arrangement is unaware that horse trailers have a ramp at the rear to load and discharge horses although some trailers have side ramps to unload. **It is impossible to load horses in either of the proposed locations with this vehicle configuration with the trailers backed up to a fence or wall** or to unload horses using the rear ramp.

4.4 The proposal to temporarily park, unload or load horses or ponies (or hay) from vehicles in a small narrow yard outside the wooden building with four internal pony loose boxes thereby blocking the single door exit to the stables **is a potentially very dangerous practice.**

Fire and Safety legislation and HSE recommendations require that a safe evacuation route be available at all times for horses and staff. This is not only required in case of fire but also in case a horse or pony panics and or bolts and attempts to escape from the building.

4.5 The design of the horse loading and unloading areas will have to be revisited (see 4.6).

It is important the risk and safety issues are assessed and proposals made to provide an alternative safe working area to ensure the safety of the horses, employees, clients and any residents or visitors (particularly children that may be resident or visiting the site).

4.6 The outline dimensions of the motor vehicle and trailer on the plans seem to be smaller than one would expect plus the turning radius used on the drawings appear to be insufficient for a close coupled two wheel horse trailer and motor vehicle that will likely be at least 8.8 metres long and possibly 10.8 metres.

In addition the rear ramp when lowered extends the overall length by a further 1.5 metres. A clear area of about 3 meters is required behind the ramp to provide sufficient room for the horse to stand and walk towards the ramp, enabling it to be led into the trailer.

*Note: horses should only be loaded or unloaded in a trailer coupled to a towing vehicle.*

## **Grazing Land**

5.1 The site has approx. 16 acres of suitable grazing land and the applicant confirms this will be tied to equestrian use through a section 106 agreement. There appears to be some confusion regarding the ideal versus acceptable grazing land and hopefully the following will be helpful for the officers and members:

5.2 An extract from page 9 of the Officers report quotes:  
“As a general rule, each horse requires approximately 0.5 – 1.0 hectares (or **1.25 to 2.5 acres**) of grazing of a suitable quality if no supplementary feeding is being provided (*Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids* 2009:3)”

5.3 For clarification horses stabled at a livery yard are usually turned out for exercising for some of the day and when brought back in to the stable will be fed supplementary feed (hay).

5.4 The Code then goes on to suggest “*A smaller area may be adequate where a horse is principally housed and grazing areas are used only for occasional turnout*”.

5.5 Whereas the earlier versions of the code were more prescriptive and stated “*a minimum ratio of one horse per half acre is generally accepted*”. This was the case in previous years when over 30 horses were kept at livery at this yard.

5.6 Ideally, irrespective of the number of horses kept on the yard we wish to see the existing horse walker retained as this greatly assists the exercise regime in spells of bad weather and protects the sward and pasture surface.

Additional comments from local residents:

Birch Lane House – objects

Following the additional information posted on the Dacorum website I would like to comment as follows:

1. The additional information provided does not materially change my initial grounds for objection to this application that therefore remain valid.
2. The 106 Agreement for the retention of a minor part of the historic equestrian business on site does not constitute 'every reasonable effort' being made to secure a business and does not support the development of rural economy as required under Local Plan 110 and CS5.

Additionally, the 106 Agreement as currently worded, stating 'unless the Council agree otherwise in writing', is no more binding or secure in protecting the long term business than the permission for the building of the storage barn (Barn B) was in 2009. This was built under the strict requirement from the Council that it was 'to be used only for storage directly associated with the equestrian use of the site and for no other purpose' and is now being recommended by Dacorum Planning for residential conversion.

The 106 Agreement also states the use is for 'Commercial Use' defined as 'stabling for equestrian use'. As defined, this does not, I believe, preclude the stables being used or kept solely for private equestrian use and not run as a business for third party clients and the wider community.

3. With regard to the additional amended plans and drawings submitted by Relic Homes my comments are:

(i) Parking provision is ill thought out, impractical and inadequate. Parking 3 horse boxes within the stables 'D' is both dangerous to horses and unworkable.

(ii) Where will essential equipment be stored e.g. tractor and rake for maintenance of manege etc be stored?

(iii) The removal of a 'Manager's Office' means that there are now no facilities whatsoever for stable staff.

(iv) There is no calculation to determine that the very simple wooden sheds designated for storage are of adequate size and structure for a commercial equestrian facility.

(v) Minor cosmetic repairs and general maintenance to gutters, eaves, doors, downpipes, fascia boards etc whilst necessary and good are not material to the planning application.

4. There is still no business plan either showing the viability of the proposed new 16 stable proposal or to demonstrate the non-viability of the historic 34 stable business, both of which are required by policy.

5. There is still no assessment undertaken to clearly show that the buildings are surplus to requirements as required by NPPF Para 74.

In addition, I have submitted a number of questions which you are currently in the process of responding to regarding factual inaccuracies and misleading statements being used and relied on.

Planning Officer's Response to the above:

I will answer your questions as you have numbered them:

1. The buildings were originally built as agricultural buildings. At some point in time the large barn was converted into stables for the equestrian use. The smaller building appears to have been used for storage of equipment.

At the time of the first application the large barn was a stable building and the smaller building was being used to store equipment for agriculture (as seen on my site visit).

It is clear that the large building was used for equestrian purposes for many years.

It has been established by contact with the Business Rates section of the Council that there are two commercial units on the site and both are on the rating list. This does not mean that rates have been paid it just means that

they are listed as rated business/commercial activities. One of the units has been listed since 2003 and the other since 2005.

I think this clears up the issue of whether there was a commercial equestrian use on the site.

A planning application for the equestrian use was never submitted but as it appears from the evidence put forward that it was in existence for more than 10 years the owners would have been able to apply for a Lawful Development Certificate on this basis.

**So in conclusion** the buildings were agricultural but were converted without planning permission to become stables for the equestrian use.

2. The Officers report for 4/01912/09/FUL Demolition of Existing Store and construction of storage barn stated "... there are a large number of ad-hoc buildings on site, including an old set of stables around a courtyard and a large utilitarian barn closest to the entrance that has been converted to form 10 stables." This suggests that the building was previously agricultural and had been converted into stables.

Condition 4 on the approval granted stated:

"The building hereby approved shall be used only for storage directly associated with the equestrian use of this site and for no other purpose unless otherwise agreed to in writing by the local planning authority.

Reason: To safeguard and maintain the strategic policies of the local planning authority as expressed in the Dacorum Borough Local Plan and for the avoidance of doubt."

When I made my site visit for the first application on this site which was received on the 17<sup>th</sup> March, 2015 the smaller Barn was being used to store equipment for agriculture and the applicant stated that when they purchased the site it was being used for this purpose.

**In conclusion** I think the confusion is that it was not being used as the condition stated when I made my site visit.

3. As the current holistic proposal now includes re-establishment of the equestrian use on the site the argument that the proposal will have a detrimental impact on the rural economy is difficult to sustain.

#### **4. Coach House figures**

I calculated the original dwelling size as that being used as a dwelling at the time of the 2292/03/FUL application which was 108.96 square metres. I am not sure how you calculated your figures.

5. My report states that the current proposal is for 36.54 square metres of extension because when I measure the proposed extension on the plans submitted this is the figure that I calculated.
6. I have measured the extension on the plans provided by Relic again and still come up with the same figure of 36.54 square metres. I am not sure which figure you are referring to.
7. I have not highlighted the reported illegal nature of the existing Coach House but I did ask the applicant in the early days of the first application to remove the description of this section of the Coach House from two bedrooms and a bathroom to show what its authorised use was ie. a workshop and office and this change was made.
8. The reported unauthorised use was referred to the Enforcement Team for their consideration.

Response to Planning Officer's response:

I would like to clarify a couple of points.

1. Agricultural buildings

I am pleased that you are now agreeing that for planning purposes the large barn is not agricultural but equestrian.

I am still however confused by your statement that 'The buildings were originally built as agricultural buildings'

How did you arrive at this conclusion?

It is first worth clarifying exactly what agriculture means. Agriculture is defined in the Town and Country Planning Act 1990 as:

- "agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;



The large barn was built in the 1970's and the small barn was built in 2010. It has clearly been demonstrated that there has been no farming or agricultural activity on this site during this time with the site only being used for equestrian purposes so how can you make the statement ' The buildings were originally built as agricultural buildings'?

There is similarly no evidence or records whatsoever to support that this site has ever been used for agricultural purposes as defined above.

The basis of your argument on the small barn, namely that 'the applicant said it was being used to store equipment for agriculture' and 'on the 17th March 2015 the smaller barn was being used to store equipment for agriculture' is a nonsense. What exactly was being stored and how did you and Relic Homes conclude it was for agriculture purposes? A hobby tractor with a rake to maintain and level the manage and a topper to mow the fields is not 'equipment for agriculture', it is equipment for use in the equestrian business in line with the basis on which permission was initially granted in 2009.

## 2. Coach House Figures

My figures for the original dwelling size of The Coach house are taken, as detailed in my earlier question to you, from two previous planning applications submitted, namely 4/0567/03/FUL and 4/02292/03/FUL. I am attaching the relevent extracts from 4/0567/03/FUL which clearly indicates that the size of the original dwelling was 68 sq metres, the additional 20 sq metre equestrian tack room demolished was not part of the 'original dwelling'.

Additionally they also show the area that you state was authorised for use as an 'office and workshop' as stables. Can you please let me know the details and planning ref for this change of use?

I am also still confused on your final size as Relic Homes' application clearly states that the proposed extension (Drawing Number 15.149.P7.401) [dacorum.gov.uk](http://dacorum.gov.uk) will take the building to 167 sq metres (see attached)

3. Can you please also confirm if you or any of your planning colleagues have had discussions with Relic Homes regarding them withdrawing their three ongoing appeals if this latest application is approved and if so has any agreement been reached with them?

I hope this additional information is helpful and look forward to receiving your answers shortly.

Response to the above:

Just to quickly respond to one of your comments ie. No.3.

No we have not had discussions with Relic Homes regarding them withdrawing their three ongoing appeals if this latest application is approved.

We have asked Relic to respond to the issue you raised of the proposed increase in size of The Coach House.

I can find no planning permission for the construction of the large Barn ie. Barn A. It is possible that it was built without planning permission.

The Oxford definition of the word Barn is “a large building on a farm in which animals or hay and grain are kept.”

### **Recommendation**

As per the published report.

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### **5.02**

**4/03441/15/MFA – DEMOLITION AND REPLACEMENT OF 4 STOREY OFFICE BUILDING WITH 16 STOREY RESIDENTIAL DEVELOPMENT FEATURING 272 APARTMENTS, ON SITE GYM AND LEAISURE FACILITIES, ON SITE COFFEE SHOP, ROOF GARDEN, INETRNAL ARBORETUM AND UNDERGROUND PARKING FOR 313 CARS IN AN AUTOMATED CAR PARKING SYSTEM, WITH ON-SITE ELECTRIC CAR SHARE AD ELECTRIC BIKE SHARE SCHEME.**

SYMBIO PLACE, WHITE LEAF ROAD, HEMEL HEMPSTEAD

Additional comments received from local resident. Summary of points raised;

- There are factors such as the location and its longevity / future proofing which do not point towards this building being as sustainable as claimed.
- The site is not particularly accessible to alternative modes of transport and adjacent to the busy main junction is not welcoming to pedestrians. Considering this and the potential for high traffic generation the development conflicts with paras 17,34 and 35 of the NPPF.
- It has been pointed out that fitting electric charging points to automated parking systems is economically unfeasible and would leave only 6 charging points for electric vehicles.
- The density is way above the density set out in Policy 21 of the DBLP.
- The location is outside of the town centre and Local centre and is extremely out of character with surrounding areas.
- The cumulative impact of incremental developments should not be overlooked with regard to traffic generation. Nearby proposal H/2 (national grid site) includes 160 dwellings, MU/4 (Hemel Station Gateway) 200 dwellings, the

nearly completed 36 in Apsley High Street and the development of the Hewdon site 15+ dwellings.

- The two waters Framework highlights the junction as a significant problem even without this addition of 272 flats.

Photographs and full comments have been emailed to Members directly.

I have no problem with development in Hemel Hempstead and understand the need for more housing in the Dacorum and Hemel Hempstead area. My concerns over this proposed development are shown below:

- how many will be 'affordable' properties? We don't need more high-rent, high value properties as local people are outpriced. I understand 18% have been offered to housing associations but currently the service charges are too expensive;
- not all property owners will use public transport to get to work etc, this will increase traffic in an already busy area and at a heavily congested road junction. It's naïve to imagine that all the purchasers will use public transport;
- there is no provision for visitor car park spaces;
- some property owners will have/eventually have families, where will these children go to school? School places in the Hemel Hempstead area are at a premium and the nearest schools – Two Waters, Boxmoor and South Hill are already over-subscribed. St Rose's is of course a faith school so has additional criteria;
- what infrastructure is in place for these residents? As above, doctor's surgeries in Hemel Hempstead are already struggling to cope with our
- not all property owners will use public transport to get to work etc, this will increase traffic in an already busy area and at a heavily congested road junction. It's naïve to imagine that all the purchasers will use public transport;
- there is no provision for visitor car park spaces;
- some property owners will have/eventually have families, where will these children go to school? School places in the Hemel Hempstead area are at a premium and the nearest schools – Two Waters, Boxmoor and South Hill are already over-subscribed. St Rose's is of course a faith school so has additional criteria;
- I still feel it is out of keeping with the area and that despite the latest traffic survey I am not convinced that this development will not cause unacceptable levels of traffic and difficulties parking.
- Also I understand that there will not be any affordable housing included, which to me would be a major reason for building this development in this position, given that such properties are much needed.
- If affordable housing were to be included, and the height reduced to ten stories or less, it may be more palatable. In my opinion this structure is not a suitable 'gateway' to our town.

Condition 27 amended to correct plan numbers (see Below) ;

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

BEA\_DWG- 001\_V3.5 Rev A - REV A - SITE LOCATION PLAN  
BEA\_DWG- 002\_V3.5 Rev A - REV A - BLOCK PLAN  
BEA\_DWG- 003\_V3.5 Rev A - REV A - SITE PLAN  
BEA\_DWG- 004\_V3.5 Rev A - TYPICAL BASEMENT PLAN  
BEA\_DWG- 005\_V3.5 Rev C - GROUND FLOOR (WITH LAY-BYS)  
BEA\_DWG- 006\_V3.5 Rev A - FIRST FLOOR  
BEA\_DWG- 007\_V3.5 Rev A - 2ND - 12TH FLOOR  
BEA\_DWG- 008\_V3.5 Rev B - 13TH FLOOR  
BEA\_DWG- 009\_V3.5 Rev A - 14/15TH FLOOR  
BEA\_DWG- 010\_V3.5 Rev A - 16TH FLOOR  
BEA\_DWG- 011\_V3.5 Rev A - ROOF PLAN  
BEA\_DWG- 012\_V3.5 Rev B - WEST ELEVATION  
BEA\_DWG- 013\_V3.5 Rev B - SOUTH ELEVATION  
BEA\_DWG- 014\_V3.5 Rev B - EAST ELEVATION  
BEA\_DWG- 015\_V3.5 Rev B - NORTH ELEVATION  
BEA\_DWG- 016\_V3.5 Rev A - ROOF PLAN - HIGH LEVEL  
BEA\_DWG- 017\_V3.5 Rev B - SECTION AA & BB  
BEA\_DWG- 018\_V3.5 Rev A - PROPOSED PROPOSED ACCESS PLAN  
BEA\_DWG- 019\_V3.5 - SECTION (PLANTERS / PV PANELS)  
BEA\_DWG- 020\_V3.5 - SITE ACCESS  
BEA\_DWG- 021\_V3.5 Rev A - PROPOSED SITE ELEVATION / STREET SCENE  
BEA\_DWG- 022\_V3.5 - EXISTING SITE PLAN  
BEA\_DWG- 023\_V3.5 - EXISTING GROUND FLOOR PLAN ON SITE LAYOUT  
BEA\_DWG- 024\_V3.5 - EXISTING GROUND FLOOR PLAN  
BEA\_DWG- 025\_V3.5 - EXISTING FIRST FLOOR PLAN  
BEA\_DWG- 026\_V3.5 - EXISTING SECOND FLOOR PLAN  
BEA\_DWG- 027\_V3.5 - EXISTING THIRD FLOOR PLAN  
BEA\_DWG- 028\_V3.5 - PROPOSED FIRST FLOOR SITE PLAN

DRAFT CONSTRUCTION METHOD STATEMENT  
AFFORDABLE HOUSING COMMUTED SUM STATEMENT  
REFUSE STATEMENT  
SOCIAL HOUSING  
SKYLINE BROCHURE AND TECHNICAL ASPECTS  
DAYLIGHT , SUNLIGHT AND OVERSHADOWING (OCT 15)  
RADAR ASSESSMENT (NOV 14)  
WASTE MANAGEMENT PLAN (OCT 15)  
AIR QUALITY ASSESSMENT (FEB 15)  
ASBESTOS SURVEY (MAY 04)  
DETAILS LAND AND ACCOMMODATION SURVEY  
EXTERIOR PREVIEW 001 - 004  
INTERIOR PREVIEW 001 - 006  
CRIME PREVENTION REPORT (OCT 15)  
LAND VISUAL IMPACT ASSESSMENT (SEPT 14 / OCT 15)  
2ND LANDSCAPE VISUAL IMPACT ASSESSMENT (DEC 15)

LIGHTING IMPACT ASSESSMENT (OCT 15)  
 STATEMENT OF COMMUNITY INVOLVEMENT  
 DESK STUDY ASSESSMENT REPORT (BROWNFIELD SOLUTIONS NOV 14)  
 GROUND INVESTIGATIONS (LISTERS GEOTECHNICAL CONSULTING AUG 15)  
 GROUNDSURE DATA REPORT (NOV 11)  
 DESIGN AND ACCESS STATEMENT  
 DRAINAGE STRATEGY (ENVIRO CENTRE - OCT 15)  
 AMENDED DRAINAGE STRATEGY (ENVIRO CENTRE - MARCH 16)  
 SURFACE WATER DRAINAGE STRATEGY (THOMASONS - MARCH 16)  
 SUDS SUPPLEMENTARY (FEB 16)  
 ECOLOGY REPORT (ARBTECH)  
 ENERGY STATEMENT (C-PLAN)  
 FLOOD RISK ASSESSMENT  
 NOISE SURVEY (SEPT 15)  
 SUSTAINABILITY STATEMENT  
 TRANSPORT ASSESSMENT (NICHOLS CONSULTING - OCT 15)  
 TRANSPORT ASSESSMENT ADDENDUM (VECTIO CONSULTING DEC 15)  
 TRANSPORT ASSESSMENT TECHNICAL NOTE (VECTIO CONSULTING JAN 16)

Comparison Table – Outline consent and Current proposal

	<b>Approved Outline Consent</b>	<b>Current Proposal</b>
Flats	208 58 one bed including one studio flat 131 two bed 19 three bed	272 131 one bed including 12 studio flats 115 two bed 26 three bed
Office	830sqm (550 ground floor, 280 first floor)	No Office
Retail /cafe	111sqm at ground floor level	103 sqm at ground floor level
Function Room	170sqm at ground floor level	84.140sqm at first floor level
Gym	290 sqm at first floor level	197.02sqm at first floor level
Reception Area	120sqm at ground floor level	64.61sqm at ground floor level
Car Parking	228 basement parking	313 basement automated parking
Height	59.33m above ground level	66.15m above ground level.
Fin, Contri	£3,987,943	£5,000,000
	Affordable Housing - £3, 285,000	Affordable Housing £2,074,213
	Section 106 -	CIL - £2,925,787
	Allotments - £9,389	
	Outdoor Pitches - £68,428	
	Child Play Space - £238,464	
	Natural Green Space - £3,726	
	Primary Education - £157,970	
	Secondary Education - £84,915	
	Youth Facilities - £2,329	
	Libraries - £22,105	
	Sus Transport - £96,197	
	Travel Plan Monitoring- £6000	
	Canal towpath / ped links - £75,000	

**Recommendation**

As per the published report

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**5.03**

**4/00089/16/FUL – DEMOLITION OF EXISTING PROPERTY AND CONSTRUCTION OF THREE NEW DWELLING HOUSES AND ONE NEW CROSSOVER**

29 SHRUBLANDS ROAD, BERKHAMSTED,

Further objection from Berkhamsted Town Council received (06/04/16), following submission of amended/additional information (see below).

**“Object.**

The Committee objected to the previous scheme and maintains those objections. Further objections have also been received from members of the public regarding loss of privacy, overlooking and the impact on the character of the area. Despite the new proposal to plant cherry trees, the development would nonetheless result in the loss of several mature trees. The site would be overdeveloped which will have a detrimental effect on the character of the road at this point. It was also noted that MRPP comment that *“There is certainly nothing so important about its appearance which should warrant its preservation”*. This is not the view of residents. MRPP state that CS11 is *“...irrelevant to the appraisal of proposals at 29 Shrublands Road”*. This is not the case. The three story development represents a gross overdevelopment of the site and the loss of a perfectly good dwelling that currently reflects the character of the area.

Contrary to Core Strategy CS11 (a, b), CS 12 (c,d,f,g)”

**Recommendation**

As per the published report

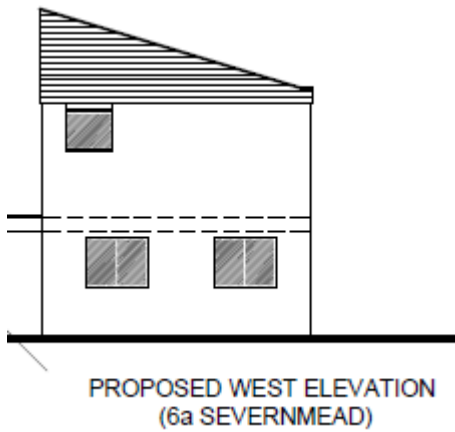
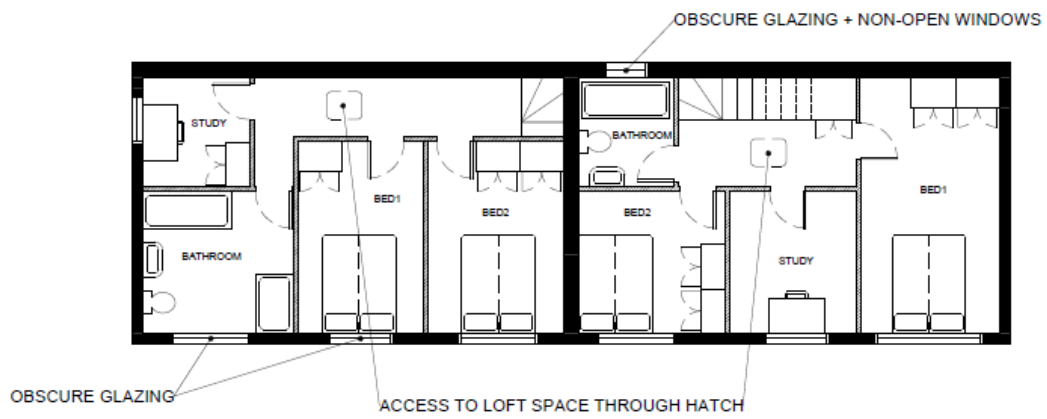
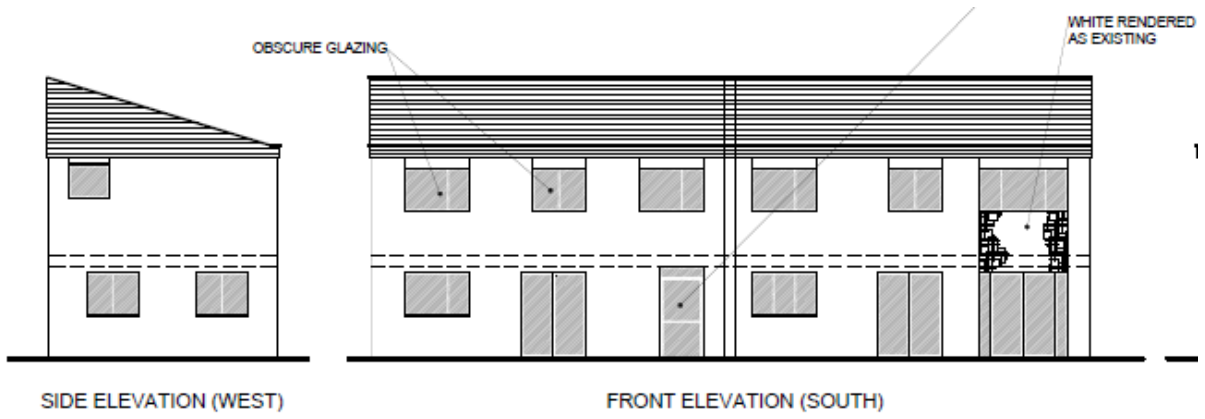
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**5.04**

**4/00176/16/FUL – ENLARGEMENT OF EXISTING DWELLING AND CONVERSION INTO TWO DWELLINGS**

6 SEVERNMEAD, HEMEL HEMPSTEAD

Amended plan received, swapping two of the first-floor front windows to obscure glazing to avoid loss of privacy to the neighbouring property. Further to this, one window has been removed on the western elevation and there has been a slight re-configuration in the internal layout, swapping the location of the bathroom and the study on the western unit.



## Recommendation

As per the published report

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## 5.05

## **4/03492/15/FHA – REAR EXTENSION AND ROOF RIDGE RAISED TO CREATE LOFT CONVERSION.**

13 FIELDWAY, BERKHAMSTED

12 Fieldway

### **Objection**

*“This application is a regrettable attempt to transform a low level 2 bed bungalow into a dwelling better suited for a family. It is situated on a plot with limited amenity space that was designed for and suited elderly residents – as these have been so used ever since being built c 1987.*

*We are led to understand that the original planning consent for these bungalows prohibited building a second storey, taking into consideration restrictive covenants agreed by the then owners of the host properties.*

### **The proposed dwelling**

*By its scale mass and bulk, the new upper storey is out of keeping with its adjacent dwellings and will dominate especially No 15 Fieldway its neighbour adjacent to its north elevation. Neighbouring properties on Hall Park Gate will suffer loss of amenity by overlooking.*

*Given its scale and its incursion into the plot this constitutes over development of the site and is contrary to CS 11 and 12.*

### **Amenity Space**

*Appendix 3 of the Boroughs Saved Local Plan says:*

*Para 3.6 (ii)*

*“All residential development is required to provide private open space for use by residents whether the development be houses or flats. Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m. Ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests. A reduced rear garden depth may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity, to open land, public open space or other amenity land. Larger family or executive style homes will be expected to provide a garden of greater depth. For infill developments garden depths which are below 11.5m but of equal depth to adjoining properties will be acceptable. Generally all gardens should be of a width, shape and size to ensure the space is functional and compatible with the surrounding area.”*

*The rear amenity distance of the dwelling is already below the 11.5 m average minimum depth [but acceptable as a dwelling for the elderly]: the changes tabled*



leave a much reduced depth and hence amenity space that is arguably quite unsuited for a 'family' dwelling of this scale.

**Summarising**, by virtue of its siting, scale, mass and bulk, the proposed dwelling is too dominant in the setting, and is out of character for the area. Accordingly, we urge rejection of the proposal as it does not accord with the Borough's policies:

- CS 10 – Quality of settlement design
  - CS 11 – Quality of neighbourhood design
  - CS 12 - Quality of site design
- Appendix 3 of Saved Local Plan.

**Tree – crane use**

Following an earlier application, a further application, subsequently withdrawn, was made for work to the Oak [it is subject to a TPO] to enable a crane to deliver a fabricated unit. This application is silent on this factor.”

(Received 30/03/16)

**Recommendation**

As per the published report

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**5.06**

**4/ 00143/16/FHA – FRONT PORCH AND REAR TWO STOREY EXTENSION**

57 HYDE MEADOWS, BOVINGDON

**Recommendation**

As per the published report

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**5.07**

**4/02680/15/FUL – DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH NEW DWELLING AND GARAGE**

LITTLE BEANEY, NETTLEDEN ROAD NORTH, LITTLE GADDESSEN

Objection received from Beaney on 10 March 2016

IN SUMMARY we object to the size , design and materials of the proposed building which we consider will dominate and overwhelm the site and the immediate neighbourhood :

Size : a substantial , double block, 5 bedroom house is now proposed on the site of a plot that was originally allocated in the 1970s for a 2 bedroom house ( since extended to a 4 bedroom house );

Design & Materials : a contemporary barn style building is proposed, to sit immediately alongside Beaney/West Beaney which is a non-designated heritage building , dating from 1830 and which was the old village Rectory . The use of all black vertical timber cladding ( no brick) and a dark zinc roof is not in keeping with the brick and slate of its Georgian/ Victorian neighbours but is in stark contrast .

In our view , the language used by the Architects in their statement gives entirely the wrong impression that the proposed design is sympathetic to the environment and the neighbouring buildings. It is important to consider the 'photo'/illustrations submitted by the Rural Heritage Society to appreciate that it is not in- keeping with its very close neighbours .

IN DETAIL whilst we do not object , in principal , to the redevelopment of Little Beaney, we do object to this application for reasons more fully set out below. We would first like to provide a context for those objections:

- Beaney was built circa 1830 , a Georgian building which has later additions and which was formerly The Rectory of Little Gaddesden.
- In the 1970s , the old rectory was divided into two ( to create Beaney and West Beaney ) and a new 1.5 storey , 2 bed house was built in the grounds of the old rectory , on a plot immediately adjoining West Beaney and within a few feet of it's west wall . This was 'Little Beaney ' . The size of the plot ( little wider than the existing house ) and its proximity to the old house , did not and does not lend itself to a big house . It was not of traditional style but it's design and brick and tile construction have ensured relatively low visibility impact on its older neighbours.
- The three houses and their gardens therefore co-exist in very close proximity to each other. They share a drive (which runs passed Little Beaney to the old house) and an entrance to the main road.
- The Coach House is the fourth dwelling accessed by the same entrance to the road .It is a brick built Victorian converted stable, whose buildings and garden run parallel and between the main road and the drive referred to. Beaney and the Coach House own paddock land to the rear and west of Little Beaney respectively .

We hope it can be understood from the above , that these four dwellings share a particular neighbourhood of their own , within the village . They are often grouped together locally and referred to as 'the Beaney's ' .

Our objections therefore are put forward to be considered with regard to that particular context , as follows :-

- **Design** : The proposed building is a substantial , double block , modern , 5 bedroom house ; a large building for its plot and which in our view would lack the type of charm and character that define its neighbours . It is of a modern barn style design but bears little resemblance to traditional barn conversions. The contemporary look of the vertical lines of the timber cladding which run into the vertical metal panels of the roof , are shown on the architect's 3D computerised coloured illustrations of each elevation , but we are uncertain whether these drawings have been made available for consideration by the Committee. However , the impact of the proposed design can be seen on the pictures submitted by The Rural Heritage Society .
- **Materials** : the use of vertical black timber cladding only ( no brick ) from ground to roof , and the linear ,panelled, dark zinc roofing are in stark contrast to the pallet of materials used for the other Beaney's which are brick and tiled .The extensive use of such black material - from which the only relief are the windows and doors - will, in our view, create a dark, austere and, given the context, an overbearing house which will dominate both the aspect from the drive when we come and go , and the rear aspect of Beaney/West Beaney , which is largely unchanged in character from the original Georgian/Victorian Rectory with its traditional brick and slate , sash windows and french doors .
- **Conservation Area** : We cannot see how the proposed design is compatible with the Conservation Area designation which we believe is there to ' conserve' and protect the character and historical heritage of this environment and its buildings - Beaney/West Beaney being originally Georgian and the old village rectory , and The Coach House, Victorian . ( And the use of modern style black timber cladding in the way proposed , does not achieve a nod to the past but serves only to exaggerate its modern style ) .
- **Area of Outstanding Natural Beauty** : The Beaney's are in the AONB and in our view the very black appearance of the proposed design has an adverse effect on the AONB and the aspects from Beaney's land , particularly to the rear .
- In their statement, the Architects infer that their design will be low impact , low key, sympathetic to its environment; will respect its context ; will fit with the rich historical heritage of the site and blend seamlessly into the local context etc., all of which would encourage one to believe that it is a building whose priority it is (along with eco considerations ) not to stand out from its environment , as a modern and aesthetically progressive building . But in this context, given its position and overwhelmingly black facades and metal roof,

we believe it presents and stands out as exactly that. It is the particular context, the 'shared' environment and the proximity to the old buildings that makes it so important that any new building here blends and is, in a way that most homeowners would understand, 'in keeping'. There is no need for the 'mindless' repetition to which the Architects refer but any design should be mindful of the Conservation Area designation and be sympathetic to the character, age and position of its very close neighbours and to a village that is well known and admired for its old architecture, and is so sought after precisely because it is largely unspoilt by contemporary design.

We would reiterate that we are not averse to the redevelopment of Little Beaney provided that it has an eye to the size of its plot and is 'in keeping' in the ordinary and generally accepted understanding of that expression.

If permission is granted, we would ask for conditions to ensure that the drive is maintained in good repair on an on-going basis throughout the development; that access to our property is not blocked; and that, given the blind bend in the road near to the entrance, the volume of heavy traffic is kept to a minimum.

Second Objection received from Rural Heritage Society received 5<sup>th</sup> March

We have now seen the revised plans submitted by the Applicant and we wish to maintain our objection to the proposed development for essentially the same reasons as were set out in our original objections dated 29 August 2015. The proposed changes do not address the points made in our original objections in any way.

Furthermore, we wish to adopt the objections of the Dacorum Conservation Officer (Design and Conservation) as recorded on the DBC planning portal, relevant extracts of which are as follows:

*"As result of the proposed massing and form the new dwelling and its proposed location on site would it is considered adversely impact on the setting of the neighbouring properties, West Beaney and Beaney, as non-designated heritage assets. As such the proposal would adversely impact on the character and appearance of the conservation area. The property is situated in the Chilterns AONB and the Little Gaddesden Conservation Area, the purpose of which is to protect and enhance the village's special architectural or historic interest....."*

*"... the proposed new building will have higher eaves and roof line and is considered to consequently have a far greater massing, which whilst the proposed design is proposing a inset element the north-eastern end of the building, would it is considered result in a structure that overtly dominates the smaller scaled form of West Beaney. A situation the proposed use of materials would it is believed compound further."*

*"... the proposed new building as compared to the existing building is considered to crowd the adjacent non designated heritage asset due to its proximity and the"*

*massing of the new building, which is also considered to visually incongruous in this location. As such the proposal is considered to harm the setting of a non-designated heritage asset and as such would not preserve or enhance the character and appearance of the conservation area. As such Conservation and Design object."*

We have prepared three images of the proposed new building in the context of the adjacent heritage assets (West Beaney and Beaney) and these are attached. These clearly demonstrate the massing of the proposed new building and the adverse effect it will have on the existing heritage assets and their setting.

We also note that the footprint of the original dwelling house on the proposed development site was 104 sq metres and this was increased in stages to its current 219 sq metres following a successful planning application for a side extension in 2003 (see the Planning Officer's report in Application No 4/02146/03/FHA). This figure (quoted by the Planning Officer at the time ) differs from that quoted as the present footprint by this Applicant in the Design and Access Statement, 254 sq metres. The proposed new footprint of 270 sq metres is 2.44 times the original footprint and 1.23 times the current footprint.

The Applicant's desire to cram as much volume onto even this increased footprint has resulted in the massing of the proposed new building and its resulting crowding of the existing heritage buildings.

If the Development Control Committee is minded to grant the application, then there should be (at least) the condition imposed that the existing screening by trees be maintained and increased on the north side of the proposed new building so that it cannot be viewed as the existing heritage buildings are approached from the existing drive – see the photograph "View of arrival – existing" which appears on page 5 of the Design and Access Statement

The Rural Heritage Society wishes to make oral submissions to the Development Control Committee when it considers the application.

Additional comments received from West beaney:

Our concerns with the report can be summarised as follows:

- 1) Full details of all objections were not submitted and of particular concern, photographs from objectors (attached) were omitted as were artistic mock ups of the proposed building showing it in context with the existing properties. Neither were contextual elevations included to show the relationship to West Beaney and the stark contrast in architectural styles.
- 2) There are factual inaccuracies in that it states that the building has been moved a further 3.2 metres from the boundary wall of West Beaney which is not reflected in any plans published on the web site or in Committee documentation and indeed it is submitted that this would be insufficient to mitigate the impact of the increase in size and materials.
- 3) The listed planning consents omit figures showing the size of the original dwelling which was 104m<sup>2</sup>, not the current dwelling size of 219m<sup>2</sup>. The figures relating to the increase in size of the proposed dwelling relate back to the current extended dwelling not the original dwelling. There are inaccuracies in the basis in the argument for the increase in size using hypothetical permitted development rights as they do not apply in a conservation area.

- 4) It focuses heavily on the less relevant impact on the countryside and does not fully address the more significant impact on the village conservation area and the existing buildings on the site which are non-designated heritage assets. There is a serious precedent for the conservation area within the village as we believe:
  - a) No building of this material currently exists and would not integrate with current dwellings
  - b) No building has been permitted with at least a threefold increase in size (excluding outbuildings)
- 5) The revised design is fundamentally the same as that rejected by the Conservation Officer in September 2015 with only minor adjustments to windows; the bulk, mass and materials are the same. The current proposal is, in fact, larger than that reviewed in September 2015. The conservation officer in this report only addresses building design issues and does not address the conservation issues raised in the conservation report in September 2015 which rejected the application as the proposed mass and form would adversely impact the setting of the neighbouring properties which are non-designated Heritage assets. This is not referred to in the report.

The report states that the beech tree and hedge are unlikely to survive demolition and rebuilding. However, it is not stated that this hedge and tree are not the property of Little Beaney and cannot be removed without the owner's permission. The owner (The Coach House, Beaney Farm) is currently away and the decision should also be postponed for this reason as it may well affect access and the Construction Management Plan.

Comments from officers in relation to additional comments from West Beaney

The revised site layout shown on drawing No. PL. 02 Rev H shows a scale relevant for an A1 document and the agent has also submitted a A3 drawing and this has demonstrated that the distance of the proposed dwelling will be 3.2 metres away from the neighbouring property West Beaney as per the officers report. The application has been amended following comments raised by Conservation at pre-application stage and in considering planning submission and as a result the box front dormer and the form of the building has changed.

**Recommendation**

As per the published report



**5.08**

**4/02275/15/ROC – VARIATION OF CONDITION 3 (PERMANENT EXTENDED HOURS OF USE FOR MONDAY TO THURSDAY 09.00 TO 22.00 HOURS AND FRIDAY 09.00 TO 21.30 HOURS AND TEMPORARY EXTENDED HOURS OF USE FOR A 12 MONTH PERIOD FOR SATURDAY 09.00 TO 20.00 HOURS) AND CONDITION 5 (PERMANENT RETENTION OF RETRACTABLE NET AT ITS FULL HEIGHT) OF PLANNING PERMISSION 4/01156/10 /FUL (ASTRO PITCH ON FORMER 5-A-SIDE AREA/TENNIS COURTS, CONSTRUCTION OF CHANGING/ANCILLARY TWO STOREY ACCOMMODATION BLOCK, FLOODLIGHTING OF ASTRO PITCH AND ASSOCIATED FENCING)**

HEMEL HEMPSTEAD TOWN FOOTBALL CLUB, VAUXHALL ROAD, HEMEL  
HEMPSTEAD

**Recommendation**

As per the published report



**5.09**

**4/00395/16/FHA – CONVERSION OF GARAGE AND ASSOCIATED ROOMS TO ANNEX  
ACCOMMODATION**

HAZEL GROVE, WAYSIDE, CHIPPERFIELD,

**Recommendation**

As per the published report