

**4/01658/16/FUL - CONVERSION OF EXISTING AGRICULTURAL BARN TO 2 SEMI DETACHED DWELLINGS..
FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW.
APPLICANT: Mr Smyth.**

[Case Officer - Elspeth Palmer]

Summary

The application is recommended for approval as the proposed conversion of existing agricultural barn to 2 semi-detached dwellings complies with CS 5 Green Belt, CS 11 and 12 and CS 27.

There will be no impact on the openness or character of the Green Belt as the footprint and bulk of the building will be smaller than the existing. Via the previously signed unilateral undertaking this conversion will not have a detrimental impact on the rural economy.

The design of the proposal will be in character with the existing building and surrounding countryside. The design and materials of the proposal will also be in character with the adjacent Flaunden Conservation Area.

Site Description

The appeal site is located on the eastern side of Birch Lane, Flaunden and is accessed via an unnamed access lane.

The site is located within the Metropolitan Green Belt and partly covered by the Flaunden Conservation Area.

The site includes a weatherboard timber stable building with laminate roof and timber windows. 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 access road is also included within the site.

Proposal

The proposal is for conversion of existing agricultural barn to 2 semi-detached 3 bedroom dwellings with amenity space to the rear and 3 car parking spaces to the front of each dwelling.

Referral to Committee

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

Planning History

4/03481/15/MF CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A
A 4 BED DETACHED DWELLING; CONVERSION OF EXISTING
AGRICULTURAL BARN TO FORM A 2 BED DETACHED
DWELLING WITH MANAGER'S OFFICE; SINGLE STOREY REAR
EXTENSION TO COACH HOUSE; AND REFURBISHMENT AND

IMPROVEMENT OF EXISTING STABLES.

Granted

05/07/2016

4/02986/15/FU CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A
L DETACHED TWO BEDROOM DWELLING
Appeal - non determination - now withdrawn

4/02895/15/FU CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A
L DETACHED FOUR BEDROOM HOUSE WITH HOME OFFICE
AND STABLES (AMENDED SCHEME).
Withdrawn
04/11/2015

4/01123/15/FU CONVERSION OF AN EXISTING STABLES TO FORM A SINGLE
L FOUR BEDROOM HOUSE WITH GARAGE AND WORKSHOP
(REVISED SCHEME).
Refused
21/08/2015

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/CA DEMOLITION OF BARN
C
Refused
28/08/2001

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

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
CS14 - Economic Development
CS17 - New Housing
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

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

Comments on Initial Plans

This application cannot be viewed in isolation. The barn in question is part of a development at Flaunden House Stables, for which detailed planning permission was granted under 4/03481/MFA. An integral part of that permission was the signature of a Unilateral Agreement to ensure that certain land, precisely delineated on the relevant plans, remains **exclusively** for Commercial Equestrian use.

Conditions of the granted planning permission state explicitly that the existing stables are to be renovated 'prior to commencement of development'. It should be noted that in apparent contravention of such Conditions the applicant has commenced other work or activities on the land. This is evidenced by the fact that Dacorum Borough Council has served a S215 'Untidy Land Notice' that builder's rubble/rubbish should be removed from the site by 3rd August, at the time of writing (1st August 2016), this has not been complied with. This gives us little confidence that the applicant will abide by the other planning conditions or obligations set out in the Unilateral Agreement set down by Dacorum Borough Council, such as exclusivity of equestrian use; preservation of trees and hegerows, and gives rise to additional concerns that the applicant will have insufficient regard to other matters such as safety and wellbeing of equestrian activities.

REASONS FOR RECOMMENDING REFUSAL

Unilateral Agreement

As part of Planning Permission 4/03481/MFA, Relic Homes signed a Unilateral Agreement which included the Owners Covenants 16 (b) (iii) in the following terms :

'Not use nor permit the use of any land other than the houses constructed pursuant to the Development or as otherwise provided herein for any purpose other than equestrian stables and associated equestrian uses'.

The plans produced in relation to the current application make it clear that the application would, if approved, represent a breach of the Unilateral Agreement. The application seeks to extend the garden area of both dwellings to outside of the curtilage of the original barn (see attached plan). Such an extension would reduce the area of land designated for equestrian use, and without a variation of the Unilateral Agreement (and a request for such does not form part of the present application) would constitute a breach by the applicant of the Conditions of 4/03481/MFA.

The proposal also suggests that the houses would have 'direct access to fields behind the property'. This statement is incorrect. The fields referred to are designated for commercial equestrian use only. It is not therefore appropriate or practical for the houses to have direct access to the adjoining land and would raise issues of safety for both pedestrians and horse riders.

Design

4/03481/15/MFA states 'The proposed conversions will be designed in a way which will make minimal external changes to the buildings, thus maintaining the rural character of the buildings and complying with CS5 of Core Strategy'. We believe the changes in design on this application do not maintain the rural character. A significant amount of additional glazing is evident at both ends of the building. To the rear elevation a 'Juliette balcony' is proposed, and the addition of what would appear to be two canopies on either side of the building. None of these additions are in sympathy with the rural character of the area.

Removal of Horse Walker

The reference to the removal of the Horse Walker demonstrates further that this application cannot be considered in isolation. Such removal has no direct relevance to the building in this application. However, it is obvious that by removing the horse walker this facility will no longer be available to the tenants of the stables, thus making the commercial equestrian facility less attractive to potential tenants.

Additional Cars and Safety

To consider the implications of an additional property and the additional traffic created, we again feel that this application would need to be reviewed in terms of the affect for the whole site. The aerial view of the site given with this application does not show the car parking arrangements for the whole site.

By creating two houses instead of one detached property and creating an additional 3 parking spaces to the site, gives potential for 14 cars to be parked adjacent to the 4 properties, before taking into account the number of vehicles (cars, trailers, horseboxes and delivery vehicles) which would need to access the site by tenants of the stables.

Access to the two semi detached properties would be through an area designated for commercial equestrian use and give rise to additional traffic in what is already likely to be an extremely congested; movement of horses/pedestrians and vehicles within constrained areas will be an inherent danger.

Comments on Amended Plans

We continue to recommend refusal of this application on the grounds of the unacceptable level of additional traffic, which would come into the site, and the lack of private amenity space. We also believe that the implications of this change of plan should be viewed in regard to the agreed 4/03481/15/MFA and the effect of the development for the whole site.

Supplementary Planning Statement 2.6

The size of the amenity space/garden for both properties is small. The applicant comments that the houses would have direct access to the adjacent fields. Flaunden Parish Council has already pointed out in their objections that the fields referred to are designated for commercial equestrian use only and it is not appropriate or practical for

the houses to have any access to this land, which would raise issues of safety for children, pedestrians and horse riders.

Relic homes states that there is a public right of way which runs across the site, situated to the west of the barn, and show a photograph of this. This is **incorrect**. There is no public right of way through any part of Flaunden House Stables, as is indicated by no path marked on the Definitive Map. The track indicated by Relic Homes as a right of way was used for leading horses from the stables to the lower fields. This is an important aspect of the equestrian use of the land as riders leading horses along the track need to be separated from any horses in the adjacent field.

Supplementary Planning Statement 2.9

Relic homes states that the parking scheme has been amended in line with the Council's recommended maximum standards. However, an additional property to the site would impact on the overall number of vehicles moving around the site, which would cause safety issues for pedestrians, horse riders and vehicles.

Conservation and Design

[Comments received will be reported at the meeting.]

Thames Water

Waste Comments

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

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of 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.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Trees and Woodlands

Nothing to add to comment regarding previous applications on this site.

There should not be a significant effect on trees of importance within the local landscape.

Hertfordshire Biological Records Centre

1. We do not have any known biological (habitats or species) records for the application site although it is likely that bats and birds are active in this area.
2. I do not consider the barn subject of this proposal has a high likelihood of supporting bats. However it is advisable to be aware of the possibility of bats or birds being encountered and so advise that the following ***Informatives*** are added to any permission granted:
 - ***“Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.”***
 - ***“Site clearance should be undertaken outside the bird nesting season, typically March to September (inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the building/surrounding vegetation should be made by a suitably experienced ecologist and if active nests are found, then works must be delayed until the nesting period has finished.”***
3. This advice is consistent with previous advice on this site.

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. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Response to original plans:

Birch Lane House, Birch Lane - objects

- The proposal to build two three-bedroom residential houses rather than one four-bedroom dwelling would bring significantly more residential traffic to the site. Access to the houses would be through an area that is designated for commercial equestrian use only (4/03481/15/MFA). This is inappropriate on the grounds of additional safety risk to both horses and users of the equestrian facilities, an area that was discussed by the DCC, based on concerns expressed by the British Horse Society, as an area of concern in granting approval for conversion into a single residence.
- Garden amenity space is inadequate and reference to future occupiers having direct access onto the fields behind is inaccurate. The fields and land surrounding the building has been specifically restricted for use only as commercial equestrian

stables and associated equestrian uses (4/03481/15/MFA). As such, use of these fields as freely accessible areas to make up for inadequate garden provision goes against the designated use of the land, is unsafe and unworkable if the equestrian activities are subsequently sold as a separate entity, as they are likely to be.

- It is now noted that a further drawing has now been submitted (15.149.P9.202) with a larger amenity space, achieved by removing a horse walker and extending the garden by taking additional space specifically identified by the DCC as 'to be used only for equestrian purposes', therefore contravening a condition stipulated by the DCC in the earlier approval granted.
- The application states that the proposal 'seeks to sensitively convert this agricultural building' and that the design is 'deliberately kept simple and in sympathy with an agricultural use, in order to maintain the agricultural character of the existing building with a few glazing elements added'. This is not an accurate reflection of the plans submitted.

-The rear elevation now comprises circa 40% glazing, added from ground level to eaves height plus a large balcony.

- The front elevation comprises of around 30% glazing added from ground level to eaves height.

- East and West elevations both have a covered canopy area over the glazed panels.

The design is therefore neither 'sympathetic' nor 'simple' and is not in keeping with any other building in the village.

- Conservation and design approved the conversion of Barn A under proposal 4/03481/15/MFA only after determining that 'the peppering of the roof with roof lights was detrimental to the character of the building' and on the basis that only a high level strip window be used instead close to the eaves. This retained the character of the building and also protected neighbouring properties privacy. The balcony on the rear elevation will allow Birch Lane House and gardens to be overlooked and destroy the current privacy enjoyed. This, together with the scale and number of glazed panels on the front and rear elevations also conflicts with these, justifiable, previous concerns and planning requirements and totally contravenes this earlier concern, both on privacy, character and aesthetic appearance grounds.
- Great emphasis has been placed on the retention of the hedge and tree line on the west elevation by Dacorum Planning to protect neighbouring privacy. This tree line is less than two metres from the building and the addition of a substantial decorative canopy is neither practical, appropriate or consistent with earlier approval conditions. It simply increases the likelihood of this treeline and hedgerow being damaged and removed during the conversion process.
- Application 4/03481/15/MFA included significant discussion on the need to restrict glazing and external domestic additions to ensure privacy and character is maintained. This latest application completely ignores this important requirement in granting the earlier permission.
- No attempt has yet been made to refurbish the stables, a condition of the earlier

approval (4/03481/15/MFA). Similarly, the professional equestrian third party to which Relic alluded the equestrian yard was to be let at the DCC meeting has not materialised and the stables remain unused and in disrepair.

The Old Chapel - objects

- proposal will bring more traffic;
- parking provision of two cars per dwelling is inadequate;
- garden amenity space is inadequate;
- the design is not sympathetic nor simple and is not in keeping with any other building in the village;
- too much glazing; and
- row of trees and hedge on western elevation must be retained.

106 Flaunden and Flaunden House (same owner) - objects

- loss of privacy for Flaunden House (ie. bathroom and garden area);
- inadequate parking;
- increased traffic;
- surrounding land will be for the equestrian use not for use by the residents of this dwelling; and
- the design is neither sympathetic nor simple and it has too much glazing.

Responses to amended plans:

106 Flaunden and Flaunden House (same owner) - objects

- Building 2 three-bedroom homes rather than 1 four-bedroom house would result in significantly more residential traffic on a regular basis, with access being through an area solely for commercial equestrian use. This is unsafe for horses and users of the equestrian facilities.
- The garden amenity space for two large homes is still not adequate, and occupants of the house(s) should not be under the impression that they can use the former lorry park as a garden as this is to be returned to green belt.
- The so-called 'public right of way' running to the west of the barn is in fact a fenced walkway for use solely by users of the equestrian facilities to allow them to reach lower fields safely without having to walk through other fields before releasing horses for grazing. It cannot be used for any other purpose.
- Although some glazed panels from the front and rear elevations have been removed, Relic have put back a double door sized glazed panel on both the East and West elevations, with obvious impact on privacy.
- No attempt has yet been made to refurbish the stables, a condition of the earlier approval (4/03481/15/MFA). The stables continue to be unused and in a state of

increasing disrepair. This points to Relic's total disinterest in sustaining the equestrian business, and just concentrating on maximizing their profit by attempting to increase the number of homes built at Flaunden House Stables.

- The deadline for the clearance of unauthorised waste dumped on the site has now passed and Relic Homes have failed to comply with the notice to clear served on them by Dacorum Enforcement.

Birch Lane House, Birch Lane - objects

- I note that the garden amenity space has now been reduced to the area contained in the previously approved application for a four bedroom dwelling but is now separated into two. This has addressed the inappropriate use of land previously approved only for equestrian use, however the amenity space that is left is wholly inadequate for two large three bedroom properties. I also note that the Supplementary Planning Statement states that there is a public right of way running across the site, situated to the west of the barn. This is not true, there is no public right of way and it is therefore not true that 'any future occupiers of the dwellings would have unrestricted rights of way leading to the fields to the rear of the barn' as also stated in the Supplementary Planning Statement. The photograph that has misleadingly been included is a fenced walkway used exclusively by the equestrian activities on the site to lead horses safely down to the fields, segregating them from other horses in the adjoining fields, prior to being released for grazing in individually fenced fields. It is therefore, as detailed in the previous approval land that can only be used for commercial equestrian activities. As such my earlier objection, detailed below, still remains.
- Whilst removing some glazed panels from the front and rear elevations I note that they have put back a double door sized glazed panel on both the East and West elevations. Any additional glazing on the West elevation will impact on our privacy as we have previously stated and also detract from the rural aspect of the current barn, particularly in the winter period when the deciduous hedgerow provides only limited privacy. Our fears that this hedgerow will be compromised in the conversion also remain.
- It is interesting to note that in their supplementary statement no attempt has been made to address or comment on the impact this proposal would have on the equestrian activities, the retention of which was an integral part of the earlier approval. My previous points 5, detailed below, therefore remains valid.
- Furthermore, the deadline for the clearance of unauthorised waste dumped on the site, outlined in my earlier objection point 6 below, has now passed and Relic Homes have failed to comply with the notice to clear served on them by Dacorum Enforcement.

Considerations

Policy and Principle

The Development Control Committee refused the conversion of this building for residential purposes at its meeting on 6 August, 2015 for the following reason:

By removing an existing equestrian use, the proposal fails to support the rural

economy, contrary to Policy C5 of the Core Strategy, and has failed to demonstrate that every reasonable effort has been made to secure a business, recreation or tourism-related reuse, contrary to saved Local Plan Policy 110.

The principle of residential conversion of this building was later approved under 4/03481/15/MFA which included a holistic approach for the whole site at Flaunden House Stables.

The Development Control Committee at its meeting on 7th April, 2016 recommended that the above application be delegated to the group manager with a view to approval subject to the signing of a Unilateral Undertaking which would bind the property and every part thereof to carry out and comply with the obligations.

The obligations are:

- that the existing stables be only used for commercial uses;
- Barn 2 will be the Manager's cottage;
- the land (except for that shown on the Master Plan - ownership map) which will belong to the dwellings approved under this development will be used for equestrian stables and associated equestrian use.

The Unilateral Undertaking is to ensure that a commercial equestrian use is re-established on the site by tying the two bedroom dwelling, the 16 stables and associated land together for sole use of the equestrian activity;

This subject site is within the area covered by the Unilateral Undertaking.

The current proposal

The main differences between that already approved and that now proposed are:

- two separate dwellings;
- more parking;
- outward appearance; and
- amenity space has been reduced.

Impact on Green Belt

As there is no increase in the footprint proposed when compared to the previous conversion scheme, and minimal changes to the exterior of the building there will not be an impact on the openness or character and appearance of the green belt or countryside.

Effects on appearance of building

The appearance of the building has changed from that previously approved.

Amendments are being sought to ensure that fenestration is reduced further and that the materials are to the satisfaction of the Conservation Officer.

These amendments will ensure that the proposal will not have a detrimental impact on the character of the building.

Impact on Street Scene / Conservation Area

The building is well removed from Birch Lane and will not be visually intrusive in the street scene. The amendments sought by the Conservation Officer will ensure that the design will not detrimentally impact on Flaunden Conservation Area.

Impact on Trees and Landscaping

The tree line and hedge along the western boundary of the site are an important screen between the building and other dwellings which face Birch Lane.

Conditions will be placed on any approval to ensure that this vegetation is maintained.

Impact on Highway Safety

There is no change to the access to be used by the site.

Impact on Neighbours

All the neighbours are further away than the 23 metre standard in the DBLP and so it is considered that there would be no loss of privacy as a result of the proposal and no loss of sunlight and daylight.

Amenity Space

Appendix 3 of the Dacorum Borough Local Plan states that "private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 metres. Ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests."

Each proposed dwelling will have 77 square metres of amenity space to the rear of the dwelling. The distance of 11.5 metres was stated in Appendix 3 as the distance for rear gardens as it is half of the 23 metre distance stated in Council guidance for spacing of dwellings to ensure privacy. In this case there are no rear neighbours close to the site to require the 11.5 metres to be strictly adhered to. The overall size of the amenity space is considered adequate for a 3 bedroom dwelling in this location.

As correctly stated in some of the objections the land surrounding the dwellings will be used for equestrian purposes and will not be open land or public open space but the countryside and public footpath network are located in close proximity to this site.

Car Parking

The maximum parking standards in Appendix 5 of the Dacorum Borough Local Plan states that 3 bedroom dwellings outside of Zones 1 and 2 must have 2.25 spaces. The provision of 3 car parking spaces per dwelling complies with this standard.

Other material planning considerations

As this application is in effect an amendment to the previously approved 4/03481/15/MFA the relevant conditions placed on this approval to ensure the equestrian use is re-established on site have been applied to the current proposal.

If the conditions were not applied to this approval the current proposal could be built with no work being carried out towards the re-establishment of the equestrian use on the site which would be contrary to the MFA approval and the previous decision at DCC to refuse the original proposal to convert the building to residential.

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 No development shall take place until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area to comply with CS 11,12 and 27.

- 3 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc,

indicating lines, manholes, supports etc);

- **retained historic landscape features and proposals for restoration, where relevant.**

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

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

- 4 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.

- 5 All remediation or protection measures identified in the Remediation Statement referred to in Condition (4) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results

providing evidence that the site has been remediated to a standard suitable for the approved use.

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

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

6 Prior to commencement of development the refurbishment of the stables as described in the approval for 4/03481/15/MFA and listed below must be completed.

- **Replacement and renewal of worn felt roof on the stables;**
- **Replacement of rotten stable doors with new stable doors;**
- **Repoint loose bricks to the bottom of wall; and**
- **Renew / seal leaking rainwater goods.**

Reason: To ensure that the stables are refurbished and that they are available for the re-establishment of the equestrian use on the site and therefore complies with CS5 with particular reference to supporting the rural economy.

7 Prior to the commencement of development, plans showing the layout of the equestrian use shall be submitted for approval by the local planning authority to demonstrate the stables, supporting buildings and infrastructure for the operation of the livery yard, provide for horse and pedestrian safety and will support the rural economy in terms of a sustainable equestrian facility.

Reason: to ensure the proposed use supports the rural economy and maintenance of the wider green belt countryside as well as highway safety in accordance with policies CS5 (Green Belt), CS9 (Management of roads) of the Core Strategy 2013, Policy 51 (Development and transport Impacts), Policy 81 (Equestrian activities) of the Dacorum Borough Local Plan 2004 and the NPPF.

8 Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be

submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development. The development shall thereafter be implemented in accordance with those approved details.

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with core strategy policies CS1, CS4, CS12 & CS29.

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes [A, B, C, D, E, F, G and H]
Part 2 Classes [A, B and C].**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to comply with CS 5, 11, 12 and 27.

- 10 **Prior to commencement of development a Business Plan for the equestrian use must be prepared and approved by the local planning authority.**

Reason: To comply with CS5 with particular reference to supporting the rural economy.

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

CIL Form
Design and Access Statement
Planning Statement dated 26 July, 2016
Supplementary Planning Statement 4 August, 2016
15 149 P9 001 Rev B - Location Plan
15 149 P9 100 Rev C - Existing and proposed Site Plan
15 149 P9 201 Rev B - Existing Plans and Elevations
15 149 P9 202 Rev C - Proposed Floor Plans
15 149 P9 203 Rev C - Proposed Elevations
15 149 P9 204 - Comparison Footprint

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

Article 35 Statement:

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the

Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Informatives:

Highways

AN1. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN2. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Protected Species

“Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.”

"Site clearance should be undertaken outside the bird nesting season, typically March to September (inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the building/surrounding vegetation should be made by a suitably

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.

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. 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.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.