

PLANNING COMMITTEE – 17 DECEMBER 2020

PART I – DELEGATED

5. 20/2036/LBC – Listed Building Consent: Various repair works to property including brick repairs, window moulds, cap, reinstatement of external walkway and garage repairs at THE WINDMILL, 34 WINDMILL DRIVE, CROXLEY GREEN, WD3 3FD

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 23.11.2020
Extension of time: 17.12.2020

Ward: Dickinsons
Case Officer: David Heighton

Recommendation: That Listed Building Consent be granted

Reason for consideration by the Committee: This application is brought before the Committee as it has been called-in by three Members of the Planning Committee due to local interest in this site.

Relevant planning

- 1.1 19/1567/LBC: Listed Building Consent: Various repair works to property including brick repairs, replacement doors and windows – Permitted – 08.10.2019
- 1.2 19/1998/RSP: Part Retrospective: Erection of gate and fencing fronting Windmill Drive - Permitted – 23.12.2019
- 1.3 19/2510/DIS: Discharge of Condition 2 (Gate details) pursuant to planning permission 19/1998/RSP – Determined 25.02.2020
- 1.4 20/0666/FUL: Demolition of existing extension and outbuildings and construction of two storey side extension, single storey front and rear extensions, changes to roof form and construction of replacement outbuildings – Withdrawn
- 1.5 20/0667/LBC: Listed Building Consent: Demolition of existing extension and outbuildings and construction of two storey side extension, single storey front and rear extensions, changes to roof form and construction of replacement outbuildings – Withdrawn
- 1.6 20/1157/FUL: Demolition of existing extension and outbuildings and construction of two storey side extension, single storey front and rear extensions, changes to roof form and construction of replacement outbuildings – Withdrawn
- 1.7 20/1158/LBC: Listed Building Consent: Demolition of existing extension and outbuildings and construction of two storey side extension, single storey front and rear extensions, changes to roof form and construction of replacement outbuildings – Withdrawn
- 1.8 20/1668/FUL: Construction of two storey side extension, single storey front and rear extensions, changes to roof form, and balcony and demolition of existing outbuildings and construction of new outbuilding and hardstanding – Withdrawn
- 1.9 20/1669/LBC: Listed Building Consent: Construction of single storey side extension with accommodation in gambrel roof, alterations to elevations and roof of existing side extension, alterations to roof form of windmill, insertion of balcony, construction of single storey outbuildings and insertion of hardstanding – Withdrawn
- 1.10 20/2046/FUL: Alterations to existing two storey side extension, erection of single storey extensions including glazed link, reinstatement of external elevated walkway and change to the roof form on The Windmill and the demolition of existing outbuildings and construction of new outbuilding and patio areas – Pending Consideration “and on this committee agenda”

- 1.11 20/2047/LBC: Listed Building Consent: Alterations to existing two storey side extension, erection of single storey extensions including glazed link, reinstatement of external elevated walkway and change to the roof form on The Windmill and the demolition of existing outbuildings and construction of new outbuilding and patio areas – Pending Consideration “and on this committee agenda”

2 Description of Application Site

- 2.1 The Windmill is a Grade II listed former mill, which was constructed in the early nineteenth century and converted to a residential dwelling and substantially altered and extended in the 1960/70s. The plot within which The Windmill is situated is largely square in shape and measures approximately 1,800sqm in area, with a gated access and driveway located to the south west of the site, running parallel with the shared boundary of No.36 Windmill Drive.
- 2.2 The area surrounding the site comprises varying developments of residential dwellings which are of a more modern architectural style and design.
- 2.3 The Windmill had not been occupied for some time until the applicant moved in, which is apparent when viewing the internal arrangements and the condition of the exterior and interior features. The existing twentieth century windows are in round headed openings, and the building retains a leaded roof with timber parapet.
- 2.4 The existing extension to The Windmill is two storey in nature and adjoins the south eastern aspect, with the highest point adjoining The Windmill and the set down element comprising the majority of the massing, set furthest away from the Listed Building. To the rear, handmade droplet tiles cover the extension at first floor level, with an existing lean-to greenhouse structure infilling the irregular shape of the extension. There is an existing timber outbuilding located to the north west of The Windmill.
- 2.5 The pre-existing railing and metal five bar gate have been replaced with close-boarded timber fencing and an entrance gate along the southern front boundary. The parcel of land between the application site and Windmill Drive is owned by the Council and contains five protected trees and a group of semi-mature trees (TPO902).

3 Description of Proposed Development

- 3.1 This application seeks Listed Building Consent for various repair works to property as follows:
- The proposed repair works to the brickwork of the windmill tower would include the removal of cracked bricks and replacement, using a Helibar (stainless steel reinforcing bar) behind the mortar to add strength. The repair works also involve re-pointing, removal of cement mortar repairs and replacement with lime mortar.
 - Replace the missing lead drip moulds on upper tower windows
 - Repair and re-crimp metal cap roof
 - Repair and re-instatement of timber balcony around windmill tower
 - Repair of garage including removal of asbestos cladding and replacement timber cladding

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Croxley Green Parish Council: [No Objection]

Croxley Green Parish Council noted the Listed Building Consent. Conservation Officer should be satisfied that the development of this historic building in Croxley Green complies with the Listed Building status.

4.1.2 Conservation Officer: [No Objection]

A schedule of the proposed repair work has been provided and is illustrated with photographs. Each item in the schedule is addressed below:

Item 1 – No objection to the proposals but it should be confirmed that the lime mortar is HNL 3.5 strength (this is the most appropriate strength for use on The Windmill). The mix should also be confirmed (ratio of sand/aggregate).

Item 2 – Example photograph noted.

Item 3 – The mortar colour appears appropriate. However, the type, size and colour of aggregate also needs consideration. The photograph under Item 2 shows some aggregate in the mortar mix and it should be confirmed that this will be matched in the new mortar.

Item 4 – No objection to the repair of the brickwork using Helibar. It should be confirmed that any replacement bricks needed exactly match the size, colour and texture of the existing bricks.

Item 5 – No objection to the removal of cementitious pointing. This is beneficial to the building.

Item 6 – Photograph noted (same repair proposed as Item 4).

Item 7 – Photograph noted (same intervention as Item 5).

Item 8 – No objection to reinstatement of missing lead drips. They must match the existing.

Item 9 – No objection to the patch repair of the lead cap.

Item 10 – No objection in principle to the reinstatement of the balcony. Surviving brackets and sockets will allow for an accurate reconstruction in regard to its location and dimensions. Further clarity on the design of the balustrade is required; some of the photos are not particularly clear with one photo showing more posts than the others.

Item 11 – No objection to the repair of the garage. The structure is not of any heritage interest so if the repaired structure retains the same design, dimensions and appearance (although replacement materials will appear newer) there will be no impact on the building's setting.

If further clarification/information is provided on items 1, 3, 4 and 10 (as noted above) then there are no objections to the granting of listed building consent as the works are necessary repairs and the significance of the building will not be harmed (as per Section 16 of the NPPF).

Officer Note: Following receipt of the comments above the applicant provided further information. The conservation officer was re-consulted and responded as follows:

Further information and additional details were provided and as a result I do not have any objection to the granting of the LBC.

4.1.3 Building Control Officer: [No Objection, subject to materials]

If the building is over 15m² in area, (38m² in this case) the garage would be exempt from building regulations providing a non-combustible cladding is used.

4.2 **Public/Neighbour Consultation**

4.2.1 Site Notice: Posted – 03.11.2020 Expired – 25.11.2020

Press Notice: Published – 05.10.2020 Expired – 30.10.2020

4.2.2 No. consulted: 31

4.2.3 No. of responses:

1 Objection, 4 Support

4.2.4 **Summary of Responses:**

Objection

- Impact on trees and foundations due to garage works
- Would not comply with building regulations within 1m of a boundary

Support

- Repair local historic asset and buildings
- Improve & preserve the iconic windmill
- Sympathetic to its historic status

Officer comment: This application can only consider impacts on the Listed Building and an informative has been added with regards to the tree matter.

5 **Reason for Delay**

5.1 Committee cycle

6 **Relevant Planning Policy, Guidance and Legislation**

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local

Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policy includes DM3.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Impact on historic fabric and significance of Listed Building

- 7.1.1 Policy DM3 of the DMP LDD relates to Heritage Assets such as Listed Buildings. It states that the Council will preserve the District's Listed Buildings and will only support applications where the extension/alteration would not adversely affect its character as a building of special architectural or historic interest both internally or externally or its wider setting. Policy CP12 of the Core Strategy states that development should conserve and enhance heritage assets. The NPPF under paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.1.2 The Windmill is a Grade II Listed Building, dating from the early nineteenth century (listing ref: 1100797). Early ordnance survey maps dating from 1868 and 1899 show the building occupying a semi isolated site, removed from the larger development of Croxley Green. This detachment highlights the historic and open setting of the windmill, which is a large contributor to its significance. The general character of the area is suburban in character.
- 7.1.3 The details submitted alongside the application including a statement of works, heritage statement details of how the repair of the property would be undertaken. The Conservation Officer has been consulted and has requested further details, which when received raised no objection to the development.
- 7.1.4 The proposal includes repair works to the existing windmill tower brickwork. The submitted documentation states that the replacement bricks would be of a size, colour and texture to match the original. The original fabric will be retained and reused. The existing pointing is a lime mortar with recessed joint, which will be used for all repairs. Any non-original cement pointing will be removed and replaced with a lime mortar for a consistent finish, which would remove an element, which is damaging to the building's fabric. There is no objection from the Conservation Officer with regards to the repair of the brickwork using a Helibar (stainless steel reinforcing bar) which would be obscured by the new mortar.

- 7.1.5 The proposal includes the replacement lead drip moulds on the upper window of the window tower and repair works to the metal windmill cap to ensure that the building is watertight. There is no objection to these works.
- 7.1.6 The proposed works includes the re-instatement of the first floor balcony, which would respect the character and appearance of the original building. Further, the Conservation Officer has no objection in principle to the reinstatement of the balcony, given the additional detail provided.
- 7.1.7 The proposed works also include the repair of existing garage. It is noted that the garage would be replaced with matching materials to the same height aside from the asbestos cladding, which would be replaced with horizontal cladding, which is considered appropriate for an ancillary structure. This would be subject to a condition to ensure the replacement cladding material is appropriate.
- 7.1.8 The existing garage is in a poor condition and does not contribute to the character of the dwelling or its setting and as such there is no objection to its removal and replacement. Further, the Conservation Officer noted that the structure is not of any heritage interest, would be of similar appearance and would therefore not impact the overall setting.
- 7.1.9 It was observed on site that the described repair works do need to be undertaken as specified in the supporting documentation submitted alongside this application. The proposed repair work would reinstate and maintain the appearance of the heritage asset and its positive contribution to the character and distinctiveness of the area.
- 7.1.10 The details submitted alongside the application including the heritage statement and statement of works include full details of how the repair works would be undertaken. The Conservation Officer has been consulted and has raised no objection to the development stating that good conservation practice is shown within the supporting documentation. It is considered that the proposal would represent a sympathetic form of development in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD.

8 Recommendation

8.1 That LISTED BUILDING CONSENT BE GRANTED subject to the following conditions:

8.2 Conditions

C1 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 the Planning (Listed Buildings and Conservation Areas) Act 1990.

C2 The development hereby permitted shall be carried out only in accordance with the following approved plans: TRDC 001 (Location Plan), TRDC 002 (Statement of works), TRDC 003 (Listed repair works).

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the character and appearance of the Grade II Listed Building in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C3 Before any garage building operations hereby permitted are commenced, samples and specification details of the proposed external materials to the garage shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the development is satisfactory and preserves the character and appearance of the Grade II Listed Building in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

8.3 Informatives:

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

I3 Any works which have the potential to impact the tree canopy to the western boundary should not occur until an application for tree works is submitted to and approved by the Council's Landscape department as these trees are protected and are subject to a tree preservation order (TPO).

I4 The applicant should be aware that the re-instatement of the timber balcony around windmill tower may require planning permission and therefore should seek advice prior to any works granted by this consent.