

## DEVELOPMENT MANAGEMENT COMMITTEE – 26 APRIL 2017

<b>Application Number</b>	3/16/2114/HH
<b>Proposal</b>	Subterranean extension to form basement swimming pool and parking area.
<b>Location</b>	Rowneybury, Harlow Road, Sawbridgeworth, CM21 0AJ
<b>Applicant</b>	Mr Johnson
<b>Parish</b>	Sawbridgeworth
<b>Ward</b>	Sawbridgeworth

<b>Date of Registration of Application</b>	19 September 2016
<b>Target Determination Date</b>	19 December 2016
<b>Reason for Committee Report</b>	Major Development by reason of site size and floorspace.
<b>Case Officer</b>	Nicola McKay

### **RECOMMENDATION**

That planning permission be **REFUSED** for the reason set out at the end of this report.

#### **1.0 Summary**

- 1.1 Members will recall that this application seeks planning permission for a subterranean extension to form a basement swimming pool and parking area in connection with the dwelling house known as Rowneybury.
- 1.2 The application was reported to the committee in February this year when Members resolved to defer consideration to enable Officers to seek additional information regarding the details of the proposal.
- 1.3 The original report is attached as Essential Reference Paper 'A'. Since the application was deferred, additional information has been submitted by the applicant in relation to the details of the construction of the basement; the ventilation grilles and escape hatches that would protrude above or at ground level; the waterproofing of the basement; and of how the excavated spoil would be dealt with.
- 1.4 Those details are explained within this report. In addition, Members may recall that the Council has recently received an appeal decision relating to a more modest basement development within the Green Belt at Hertingforbury. This is considered to be material in the determination of this application and the appeal decision is attached as Essential Reference Paper 'B'.

- 1.5 Officers have considered all this new information in the overall balance of considerations and remain of the view that, considered against the policies of the Local Plan and the NPPF in relation to development in the Green Belt, the proposal would result in disproportionate additions over and above the size of the original building and would constitute inappropriate development within the Green Belt.
- 1.6 The NPPF outlines that where inappropriate development is proposed it should not be approved except in very special circumstances and where the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 1.7 Other harm is identified in this case in relation to the limited loss of openness arising from the development and a clear conflict with the fundamental aim of keeping the Green Belt open and undeveloped. The absence of visual impact is, as the recent appeal decision confirms, not a positive matter to be weighed in favour of the development and Officers remain of the view that there are no material considerations in this case to which weight can be assigned such that the harm to the Green Belt, by reason of inappropriateness and loss of openness, is clearly outweighed. As a result very special circumstances have not been demonstrated to justify the development in the Green Belt.

## **2.0 Additional information received**

- 2.1 Since the deferral of the application at the February committee, the applicant has submitted additional information in relation to the details of:
- plant, ventilation and flood protection measures
  - fire risk measures;
  - proposed ventilation grilles, car lift and other external hatches
  - soil depth above the basement; and
  - the proposed removal of excavated material from the site
- 2.2 In respect of plant, ventilation and flood protection measures, the applicant states that they envisage two separate plant rooms within the basement to secure the safe maintenance of the car collection incorporating humidity control, ventilation and fire/smoke prevention mechanisms. There will be 'state of the art' fire detection systems for the safety of staff looking after the car collection and these will be automatically linked to escape hatches in case of fire. Fire doors will be provided and a fire evacuation plan will be provided for staff and members of the family.

- 2.3 The applicant states that most of the cars will not require regular starting, but those that do will have an exhaust fume collection system fitted to the exhaust pipe to enable exhaust fumes to be removed without contaminating the underground area. They also indicate that cars can be moved without starting them using an electric or manual transporting device. In respect of flood protection, the applicant advises that a robust dry and safe environment will be provided.
- 2.4 In respect of the details of the proposed escape and car lift, the applicant has submitted photographs of the type of units proposed. These photographs will be available at the committee meeting and the applicant has indicated that they would be willing to submit further detailed proposals by condition if planning permission were granted for the development.
- 2.5 Details of the proposed soil depth above the basement have also been submitted and the applicant states that they will work with specialists to ensure that a lawn and landscaping can be maintained above the development.

#### Handling of excavated material

- 2.6 In respect of the means of dealing with the excavated material from the site, Officers have raised their concerns with the applicant. Initially, it was proposed that the soil excavated to create the basement would be redistributed across the site and the land regraded. However, there were no details of the volume of soil involved in order for the Council to assess the impact that this would have on the openness, character and appearance of the site and Members sought additional clarification in this respect.
- 2.7 Following discussion with the applicant it appeared that the proposal would result in a rise in land levels across the site by some 0.3m and this was considered to have a potentially detrimental impact on the appearance of the site and the proximity of the works to mature trees on the site.
- 2.8 However, the applicant now proposes to remove all the excavated soil from the site and this would involve the removal of 6 lorry loads of soil per day over a period of approximately 8 months.
- 2.9 All lorry movements would be via Rowneybury Farm entrance to the south west of the site and would occur between the hours of 09:00 to 15:00 Monday to Friday to cause as little disturbance to residents as possible.

- 2.10 The Highway Authority has been consulted on these proposals and Officers will update Members in relation to this at the committee meeting.
- 2.11 The movement of the amount of excavated material proposed would, in Officers view, have some adverse impact on the character and appearance of the area and this weighs against the proposal. However, that weight is limited, given the temporary nature of the works.

### **3.0 Considerations**

- 3.1 The key policy issues and considerations in relation to this application are set out in the earlier report attached at Essential Reference Paper 'A'. These should be considered together with the additional information contained within this report and the material considerations regarding basement development in the Green Belt set out by the appeal inspector within the appeal decision set out in Essential Reference Paper 'B'.
- 3.2 Officers remain of the view that the proposal represents inappropriate development within the Green Belt and, as Members will be aware, this must be given significant weight in the balance of considerations. In addition to the harm by inappropriateness, other harm has been identified in respect of the elements of the proposal that would be visible such as the hatches, car lift and staircases. Whilst it is acknowledged that these would have a limited visual impact, and that their detailed design could be controlled by condition, they would nevertheless have some impact on openness and clearly identify the below ground development of an area of previously undeveloped Green Belt land.
- 3.3 There is therefore significant harm to the Green Belt in this case. The NPPF test then is that the positive impacts of the proposal must be sufficient to 'clearly outweigh' this harm. The absence of visual impact, as the recent appeal decision confirms, cannot be given positive weight against the Green Belt harm identified.
- 4.1 The positive impacts of the development are set out in the previous report at Essential Reference Paper 'A'. However, the weight which can be attributed to other considerations in this case is not such that, in the view of Officers, would clearly outweigh the harm caused to the Green Belt by reason of inappropriateness, and the other harm identified.

- 4.2 It is therefore recommended that planning permission be refused for the reason outlined below.

### **Reason for Refusal**

1. The proposed development, together with previous extensions to the building, would disproportionately alter the size of the original dwelling and result in some harm to the openness of the Metropolitan Green Belt. The proposal thereby constitutes inappropriate development in the Green Belt and the weight that can be given to the positive impacts of the proposal is not such that would clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and the other harm identified. The proposal is thereby contrary to policies GBC1 and ENV5 of the East Herts Local Plan Second Review April 2007, and national planning policy guidance set out in the National Planning Policy Framework.

### **Summary of Reasons for Decision**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.