

## DEVELOPMENT MANAGEMENT COMMITTEE – 24 MAY 2017

<b>Application Number</b>	3/16/2847/FUL
<b>Proposal</b>	Demolition of existing Assembly and Worship Hall and erection of replacement Assembly and Worship Hall, with enhanced vehicular access and associated parking, drainage, landscaping and compensatory grassland habitat.
<b>Location</b>	The Bungalow, Ermine Street, Colliers End
<b>Applicant</b>	Mr D Stay
<b>Parish</b>	Standon
<b>Ward</b>	Thundridge and Standon

<b>Date of Registration of Application</b>	06 January 2017
<b>Target Determination Date</b>	18 April 2017
<b>Reason for Committee Report</b>	Major application
<b>Case Officer</b>	Martin Plummer

### **RECOMMENDATION**

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

#### **1.0 Summary**

1.1 The development represents inappropriate development in the rural area beyond the green belt and will result in a harmful impact on the rural character and appearance of the site and surroundings. Positive weight can be attached to the provision of a form of development which will provide an expanded place of worship for the existing and expanding congregation and some other limited employment creation. However, the site is not located in a sustainable location and will rely on the use of private vehicles to access the site. The development is not therefore considered to be sustainable.

#### **2.0 Site Description**

2.1 The site is located to the north of the village of Colliers End. It is accessed from Ermine Street. The site currently contains a detached building which is used as a place of worship by the Brethren. The building is set around 90 metres from the main road and is of fairly modest proportions with two large gable projections on the flank elevation. The building is surrounded by open land which forms mainly meadow land. There are two car park areas to the south and east of

the building which are enclosed with post and rail fencing and are externally illuminated. The site forms a Local Wildlife Site (LWS) which is recorded as being significant in terms of grassland.

- 2.2 There is a byway to the south of the site (Standon 032) which leads to a PRow (Public Right of Way), Standon 033, which is located around 50 metres to the west of the application site.

### **3.0 Background to Proposal**

- 3.1 The site and building was originally a detached residential dwelling and associated garden and meadow space. In 2012 a planning application was submitted and granted by the Development Management Committee for the change of use of the dwelling into a place of worship. Various amendments to that original planning permission have been granted and the site has been used as a place of worship by the Brethren for approximately four years. The existing building on the site has a floor area of approximately 165 square metres.
- 3.2 The applicant has set out that their needs as a Brethren Church are exceeding the capacity of the existing hall and parking facilities. Brethren Churches from outside the immediate area of the application site meet collectively from time to time and to enable this they currently use a building in Turnford (located in Broxbourne District Council area). The applicant has submitted that site as being one suitable for housing development through the Broxbourne Local Plan process.
- 3.3 The size of the building as currently exists on the application site is unable to accommodate large gatherings of Brethren Churches outside the congregation that normally meets here and the proposals in this application will accommodate the increased size of the immediate congregation and allow larger gatherings.
- 3.4 The proposed development for a replacement building has a floor area of 1,769 square metres and incorporates a parking area for 177 cars. The building is located on the north east part of the site with various areas of hard standing for parking to the south and west of the building. The existing access to the site is to be widened and a short pedestrian pavement/footpath proposed on the western side of the main road to enable pedestrians walk safely along and then to cross the road to the east side to access Colliers End and the nearby bus stops (around 400-500 metres from the site).

- 3.5 The proposed building comprises mainly of a large assembly/worship hall and foyer with several smaller rooms including kitchens, toilets, storage and plant rooms and various circulation spaces.
- 3.6 The applicant sets out that building will be used throughout the week but particularly during mornings on Saturday and Sunday and evenings during weekdays.

#### **4.0 Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016 and the adopted East Herts Local Plan 2007:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>	<b>Pre-submission District Plan policy</b>
The principle of development		GBC3	GBR2
Whether the development is located in a sustainable location			
Impact on the character and appearance of the site and surroundings		ENV1, ENV2, ENV14	DES1-3
Impact on ecology		ENV16	NE1, NE3
Highway safety			

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

#### **5.0 Emerging District Plan**

- 5.1 The District Plan has been submitted to the Secretary of State for examination. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the Plan has yet to be examined.

## **6.0 Summary of Consultee Responses**

- 6.1 HCC Highway Authority comment that they do not wish to restrict the grant of planning permission.

The proposed vehicle access is considered to be acceptable in terms of visibility and the plans show the provision of a 2 metre footway on the southern side of the access to provide a crossing point to the opposite side of the road.

The proposed development represents a large intensification of how the site is used with the new building able to accommodate a far greater number of people and activities compared to the existing development. The Highway Authority comments that it is content to accept such an increase in the intensification given that most events/services will occur outside of peak hours (particularly at weekends).

An outline travel plan has been submitted but this requires further work and consideration, particularly in respect of the provision of increased provision of a mini-bus service between key settlements and the application site and review of changes to bus timetables that are anticipated to be implemented as a result of Section 106 contributions of other residential development in the District.

- 6.2 Lead Local Flood Authority raise no objection in principle in flood risk terms – the applicant has provided sufficient information to demonstrate that there is a feasible drainage scheme for the site based on attenuation features and final controlled discharge to ordinary watercourse running inside the northern boundary. The proposed development will only meet the requirements of the National Planning Policy Framework if planning conditions requiring implementation of the detailed drainage strategy as set out in the flood risk assessment are applied.
- 6.3 EHDC Engineering Advisor comments that the site is located with flood zone 2 and is partially within surface water inundation zones. The site flood risk assessment provides information regarding permeable paving, a swale and a SuDS (Sustainable Drainage System) pond. The proposals are considered to be a high quality form of SuDS that will help reduce flood risk, create amenity and biodiversity and potentially improve water quality at the site.
- 6.4 EHDC Landscape Advisor recommends the refusal of planning permission. The site is in a countryside location and the village of Colliers End is characterised by small clusters of dwellings which

indicate the historic growth of the village. This and the separation between built form is one of the defining features of the local distinctiveness. The site is visible from the open countryside to the west along a public right of way. The proposals result in a manifest change to the landscape character and setting of the site and existing local built environment. The development, in terms of the size of the car park and size and massing of the building will be detrimental to the rural character of the site and surroundings area and exceeds the landscape capacity of the site and appear as incongruous forms of development.

- 6.5 Herts Ecology originally objected to the planning application based upon the impact on the LWS (Local Wildlife Site). During the process of the application additional information has been submitted which includes the provision of a dedicated site to the north of the proposed building for wildlife 'offsetting'. Herts Ecology have since removed their objection, commenting that there will be no net loss of biodiversity if the proposals for offsetting the loss of Local Wildlife Site (LWS) grassland are successfully achieved on the adjacent field. The calculations provided indicate a slight biodiversity gain, which is commendable.

The success of the off-setting will be dependent on the successful harvesting of seeds from the existing LWS grassland area; the establishment of species-rich grassland at the adjacent site; and implementation of appropriate measures to manage, maintain and enhance the new grassland habitat (through a conservation hay cutting regime). In addition, any remaining habitats and enhanced habitats within the application site will also need to be suitably managed for their wildlife interest. Herts Ecology recommend that such matters are controlled through planning conditions.

- 6.6 EHDC Environmental Health Advisor advises that planning conditions relating to construction hours of working, piling and lighting are attached with any grant of planning permission.
- 6.7 Herts and Middlesex Wildlife Trust (HMWT) originally objected to the planning application based upon the impact on the LWS – they have since removed their objection on the basis of the proposed offsetting which can be secured by planning condition.
- 6.8 Natural England have no comments to make on the application.

## **7.0 Parish Council Representations**

- 7.1 Standon Parish Council object to the planning application on the following grounds:

- Inappropriate form of development in the rural area;
- Size, scale, form and design of the proposed building will be intrusive in the street scene and wider countryside setting;
- Overdevelopment of the site;
- The overall quantum of parking is significant and will result in overreliance of private vehicles which is contrary to the NPPF;
- The site is not a sustainable location for the quantum of development proposed with very limited bus service for the indicated hours of use.

## **8.0 Summary of Other Representations**

- 8.1 Ten representations in support of the planning application have been received commenting that the development will provide an enhanced space for faith meetings and gatherings.
- 8.2 The Campaign to Protect Rural (CPRE) writes in objection to the proposals, urging the Council to refuse the proposals on the basis of conflict with the current and emerging Local Plans particularly with regard to the visual and landscape impact, loss of habitat, inherent lack of sustainability and as a result of the major increase in the scale of the building and visitors to the site.

## **9.0 Planning History**

- 9.1 The following planning history is of relevance to this proposal:

Ref	Proposal	Decision	Date
3/12/0145/FP	Change of use from residential to D1 (use as Meeting Hall) temporary consent only for 3 years	Approved with conditions	21.08.2012
3/12/1789/FP	Change of use from residential to D1 (use as meeting hall) and new raised pitched roof, alterations to fenestration and replacement	Approved with conditions	20.12.2012

3/13/0122/FP	Change of use from residential to D1 (use as meeting hall) and new raised pitched roof, alterations to fenestration, replacement windows and doors	Approved with conditions	14.03.2013
3/15/0464/FUL	Continued use of building as a meeting hall (D1) following expiry of 2 year consent (3/12/1789)	Approved with conditions	14.05.2015

## 10.0 Consideration of Relevant Issues

### The principle of development

- 10.1 The site is within the Rural Area wherein Local Plan policy places a constraint against development. Policy GBC2 sets out that, within the northern part of the District a Rural Area beyond the Green Belt will be maintained wherein inappropriate development will not be permitted. Policy GBC3 does set out some exceptions to this – criterion h) does allow for ‘other essential small scale facilities, services or uses of land which meet a local need, are appropriate to a rural area and which assist rural diversification’.
- 10.2 The proposed development is a substantially sized building and the plans indicate that almost the entire site will be occupied by development and parking. The proposal does not represent a small scale facility and, in this respect, represents a departure to Rural Area policy and the Development Plan.
- 10.3 Policy GBR2 of the draft District Plan sets out the emerging policy approach for the Rural Area. That policy does allow for a replacement building provided the building is in the same use and not *materially* larger than the building it replaces. Having regard to the small proportions of the existing building (approximately 165 square metres) compared to the very significant proportions of that proposed (over 1700 square metres), Officers consider that the proposal would be significantly materially larger than the building it replaces. The development would also therefore be contrary to the draft District Plan. Given the stage of preparation of the District Plan some reasonable weight can be attached to this emerging policy and the conflict with it.

- 10.4 Paragraph 14 of the NPPF sets out that there is a presumption in favour of sustainable development and it should be considered whether the development would accord with this requirement. There are three roles in achieving sustainable development and paragraph 8 of the NPPF states that these roles should not be undertaken in isolation because they are mutually dependent.

Economic dimension

- 10.5 There is weight to be attached to the short term building works associated with the construction phase. However, as this is only for a short period only limited positive weight should, in Officers opinion, be attached to this consideration. Some weight may also be attached to potential employment associated with the operation and maintenance of the building, if constructed – the likely level of employment is not however considered to be high and only very limited weight is attached to this matter.

Social dimension

- 10.6 Section 8 of the NPPF sets out the national policy position in respect of creating healthy, inclusive communities. Paragraph 70 of the NPPF requires planning decisions to plan positively for the provision of places of worship to ‘enhance the sustainability of communities and residential environments’.
- 10.7 The Council have previously attached weight to this policy position in the approval of planning permission for the use of the existing building on the site. From the submissions made with the planning application, it is understood that the local congregation of the place of worship has increased over the passage of time since the original planning permission and the applicant indicates that there is a higher demand for space for the enlarged congregation.
- 10.8 Officers understand that the proposed building, particularly its large size and parking area is required to accommodate visitor groups from other places of worship outside of the existing congregation. The applicant also sets out that the building will be used for the storage of materials and equipment used by local community groups, including FAST (Footpaths at Standon and Puckeridge Team) and Rapid Relief Team. These organisations provide support to the County Council in repairing rights of way and provide volunteer based assistance for charities involved in a range of social issues.



- 10.9 The applicant refers the Council to appeal decisions made by the Secretary of State where it was noted that it is not the role of Local Planning Authorities to suggest how faith groups should organise themselves and that the way in which a faith group functions or operates should therefore be taken at face value. This is acknowledged and no harmful weight is assigned as a result of the way the faith group is operated, instead it is appropriate to consider the impact that the development proposals has in planning terms, because of the scale at which it is proposed.
- 10.10 Officers consider that weight should be attached to paragraph 70 of the NPPF and the provision of enlarged accommodation to serve the growing congregation who currently use the building. The proportions of the building are however very significant and because it is designed to serve larger congregations of Brethren Church, rather than those of the immediate community/congregation who use the building, its impact is also significant. This does not, in Officers opinion, mean the development is unsustainable in social terms, but does mean that consideration should be given to the location of the site in sustainability terms, which is discussed below:

#### Environmental dimension

- 10.11 There are a number of aspects relevant to the environmental role of sustainable development:
- Whether the site is sustainable in transport terms;
  - The impact on the character and appearance of the site and surroundings;
  - Ecological impact;
  - Drainage matters;
  - Highway safety;
  - The impact on heritage assets of archaeological significance.

#### Access to sustainable modes of transport

- 10.12 The site is not located within any of the main settlements in the District and is located outside of the village of Colliers End – a category 3 village in the District Plan and a group 2 village in the emerging District Plan.
- 10.13 The site is a short walk and cycle from the main part of that village but other villages are further away and Officers understand that wider congregation of the place of worship live within the wider setting of the

District and therefore outside of normal cycle/walking distances of the site.

- 10.14 There is a bus stop within walking distance from the entrance to the site in Colliers End. Members will be aware of the limitations of the rural bus services in the district. The applicant has indicated that the main use of the building will be at weekends and early morning/evenings when the frequency of buses is generally further reduced. The site, in this respect, cannot reasonably be considered to be well served by local buses. The Highway Authority, indicates that bus frequency may be increasing as a result of Section 106 contributions secured through housing development in the District however the full impact of this is not yet fully understood.
- 10.15 The applicant has submitted a Green Travel plan which refers to the reliance on car sharing, mini-buses and coach hire. It is clear given the very significant size of the parking area that the vast majority of users of the building will travel to the site via private vehicle. This is specifically contrary to paragraph of 29 and 30 of the NPPF. The site is not considered to represent a sustainable location and there is very limited access to sustainable modes of transport. There is likely to be an over-reliance on the use of private vehicles and this must therefore weigh against the development proposal.

#### Character and appearance

- 10.16 The core principles of the NPPF set out that planning should take account of the different roles and character of different areas, by recognising the intrinsic character and beauty of the countryside (para 17). Section 7 of the NPPF requires good design and sets out that developments should respond to local character, history and reflect the identity of local surroundings.
- 10.17 Local Plan policy GBC14 sets out that a Landscape Character Assessment will be used to assess development proposals and will seek to improve and conserve local landscape character by conserving, enhancing or creating desirable landscape features; contribute to the strategy for managing change with reference to the Landscape Character Assessment, and enhance or conserve key characteristics and distinctive features.
- 10.18 Policies ENV1, 2 and 3 of the Local Plan set out a need for development to demonstrate compatibility with the structure and layout of the surrounding area, consider the impact of any loss of open land on the character and appearance of the locality, retain and enhance

existing landscaping. Policy SD1 requires development to be physically well integrated and respond to local character.

- 10.19 In the emerging District Plan policies DES1 and DES2 deal with landscaping with the additional requirement (over the current Local Plan) for a Landscape and Visual Impact Assessment and/or Landscape Sensitivity and Capacity policy. Policy DES3 set out a range of detailed design and layout requirements.
- 10.20 A landscape and visual impact assessment (LVIA) has been submitted in support of the application. That assessment sets out that there will be views from the east of the site but the dark materials of construction and design will be sympathetic to the agricultural landscape and the height of the building will mean that it does not rise above the existing woodland backdrop. Given the scale of the building, it will remain visible in certain views but this is not considered to be out of keeping with the pattern of development and does not result in significant adverse landscape or visual effects.
- 10.21 The Landscape Officer takes a differing position, as summarised above, and concludes that the development represents an inappropriate size, scale and form of development for the location and will result in a harmful impact on the landscape character of the site and surroundings.
- 10.22 The existing building is relatively modest and sits 'quietly' on the plot, maintaining the rural and open aspect of the countryside location. There is some reasonably significant landscaping to the boundaries of the site which does obscure views into the site from the surroundings. Public Rights of Way (Standon 032 and 033) link between Ermine Street passing to the south of the site and then running in a north westerly direction passing around 50 metres to the west of the application site and linking to Hill Farm to the north west of the application site. Views from that public right of way of the application site are limited by the extent of landscaping and the modest proportions of the existing building.
- 10.23 The proposed development replicates a series of barns with gable pitched roofs and a mixture of brick plinth and boarding. Officers acknowledge the design approach and that it seeks to follow a rural building type design approach for which there are examples in the District. The design in itself is considered to be an appropriate approach and the character of built form in the rural setting.
- 10.24 However, the overall quantum and nature of the development proposal will see a very substantial and material change to the character and

appearance of the site, surroundings and views from public vantage points, particularly the main road to the east of the site and, to a lesser extent the PRow to the west of the site. The proposed building is very significant in terms of its overall footprint and height and the proposed parking and outside space around the proposed building will see a mixture of buildings and hard landscaping occupying almost the entire site.

- 10.25 The plans submitted do show the retention and provision of an area of ecological amenity land and a small margin between the built form and the eastern boundary of the site. In addition, the plans also indicate the provision of planting to the boundaries of some parts of the site. Those elements all seek to reduce the impact of the development but do not, in Officers opinion, adequately mitigate the impact that the development will have on the open rural character and appearance of the site, a concern which is echoed by the Landscape Officer. This is a matter which Officers consider weighs substantially against the development proposal.

#### Ecological impact

- 10.26 The site forms a Wildlife Site and policy ENV14 sets out the Development Plan position in respect of development proposals on such an area. Development which would likely have an adverse impact on such an area will not be permitted unless it can clearly be demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site.
- 10.27 Various ecological surveys and work has been undertaken and has been considered by Herts Ecology and the Herts and Middlesex Wildlife Trust. Those consultees have, as summarised above, confirmed that there is appropriate levels of ecological offsetting in the form of provision of additional areas of land to be allocated for wildlife protection and management, all of which can be secured through a planning condition. Having regard to the information and consultation received the application is considered to comply with the above mentioned Local Plan policy, emerging policy and the NPPF. Whilst the development does result in the development of the Wildlife site this is adequately mitigated by the allocation and proposed management of a parcel of land to the north of the building, which can be controlled through a planning condition. This is a matter which is considered to be neutral, in the balance of considerations.

### Drainage impact

- 10.28 Having regard to the Environment Agency flood risk mapping the site is not in an area of flood risk in respect of fluvial flooding and is not in an area identified at risk of surface water flooding. The development nonetheless results in a significant reduction in permeable areas and a substantial increase in areas of hard surfacing which has the potential to increase surface water flood risk.
- 10.29 The applicant has responded positively to the provision of a sustainable drainage strategy within the site and both the LLFA and Councils Drainage Engineer have commented that an appropriate drainage scheme can be secured via a planning condition. The scheme introduces various sustainable drainage systems (including permeable hard surfaced areas and a detention/infiltration basin) which will adequately mitigate the impact in terms of flood risk and provide other enhancements to improving water quality and biodiversity.

### Highway impact and parking

- 10.30 The plans submitted show various engineering operations to widen the existing access to allow two-way traffic and improve visibility at the access to the site. The proposed alterations to the entrance will, having regard to the advice from the Highway Authority, result in an acceptable impact on highway safety.
- 10.31 The Highway Authority raises no objection in respect of increased traffic movement associated with the intensification of the development and comment that the majority of traffic movements will be outside of peak hours. Some commentary is made in respect of the deficiencies of the Green Travel Plan which could be dealt with through a planning condition.
- 10.32 In overall highway safety and access terms, having regard to the advice received, the development is considered to be acceptable.

## **11.0 Conclusion**

- 11.1 The development represents inappropriate development in the Rural Area beyond the Green Belt and conflicts therefore with existing Local Plan policy GBC3 and emerging policy GBR2.

- 11.2 Weight can be attached to the positive way in which the development will provide enhanced facilities as a place of worship for the existing and expanding congregation, together with other opportunities to support existing community groups who may use the premises. The development, in this respect is considered to be in accordance with para 70 of the NPPF which sets out that decisions should plan positively for the provision of community facilities, such as places of worship.
- 11.3 However, for the reasons set out in this report, harm is attached to the unsustainable location for the development in transport terms and the likely reliance on private vehicles to access the site (as is evident by virtue of the large car park) and the visual impact of the development on the rural character and appearance of the site. Officers consider that very significant weight can be attached to this harm and the conflict with existing and emerging local policy and the NPPF in this respect.
- 11.4 Other matters relating to highway safety and access, ecology and neighbour amenity impact are neutral.
- 11.5 Whilst there are positive aspects of this scheme such matters are, in Officers opinion, outweighed by the conflict with rural area policy, the harm to the rural character of the site and surroundings and the unsustainable location of the site for the development. Officers therefore recommend that planning permission is refused.

### **Reasons for Refusal**

1. The development represents inappropriate development in the Rural Area beyond the Green Belt and results in harm to the rural character and appearance of the site and surroundings. The form, nature and scale of the use proposed is such that a rural location of this type the application site represents, is not sustainable in transport terms. Whilst positive weight is attached to the social benefits of the provision of an expanded place of worship, this positive weight is not considered to outweigh the harm that would result from the development. The development is therefore contrary to policies GBC3, ENV1 and LRC14 of the East Herts Local Plan Second Review April 2007 and 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.

**KEY DATA****Non-Residential Vehicle Parking Provision**

Use type	Standard	Spaces required
Place of worship	1 space per 10sqm	177
Total required		177
Accessibility reduction		nil
Resulting requirement		177
Proposed provision		177