

3/09/0145/FP – Single storey rear and side extensions and extension to parking area at The Red White and Blue, Hazeland Road, Bishop's Stortford for Mr Kadir

Date of Receipt: 19.02.09

Type: Full

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD MEADS

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. Three year time limit (1T121)
2. Materials of construction (2E113)
3. Provision and retention of parking spaces (3V23)
4. Tree retention and protection (4P053)
5. Hedge retention and protection (4P06)
6. Landscape design proposals (4P124)
a) b) c) d) e) i) j) k) l)
7. Landscape works implementation (4P133)

Directives

1. You are advised to contact Environmental Health at Wallfields, Pegs Lane, Hertford. Tel: 01279 655261, with regard to necessary food, hygiene and sanitary standards.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies GBC1, ENV1, ENV2 and TR7. The balance of the considerations having regard to these policies in this case and that the proposed extensions will facilitate a viable and economic use for the site is that planning permission should be granted.

_____ (014509FP.FM)

1.0 Background

- 1.1 The application site is shown on the attached OS extract. It is situated to the north of the main settlement of Bishop's Stortford and lies within the Metropolitan Green Belt. The site is relatively isolated and is sited on the junction of Michaels Road and Hazelend Road, with an existing vehicular access from Hazelend Road. The nearest neighbouring residential properties are sited approximately 245 metres to the east of the site. The remainder of the surrounding area is characterised by agricultural fields, and to the immediate north of the site there is an electricity sub station.
- 1.2 The application site itself also includes a large car parking area and to the east of the site is a 2 storey disused cottage in a poor state of repair. This is also within the applicant's ownership. Having spoken to the applicant, this dwellinghouse, if used, would be for staff in relation to the restaurant.
- 1.3 The building is a former Public House and has been derelict for at least 2 years. The applicant proposes to change the use of this public house to a restaurant. The building currently has a lawful Class A4 (Public House) use. Under the Use Class Order there is a permitted change from A4 to A3 (Restaurants and Cafes). Therefore an application for a change of use from public house to restaurant is not required.
- 1.4 The application proposes the construction of single storey extensions to the east and north facing elevations of the building, an extension to the car parking area and other internal alterations. The extension to the east facing elevation would measure 56m², would reach a maximum height of 4.2 metres with a hipped roof and would project from the existing building between 6.5 and 4.6 metres. It would retain a distance of between 2.3 - 3.4 metres to the adjacent highway and is proposed to provide an additional dining area and entrance lobby.
- 1.5 With regard to the proposed side extension, this would be sited on the north facing elevation of the building and would measure approximately 11.2m². It would reach a maximum height of 3 metres with a flat roof, to match the existing extension and would provide an extension to the existing kitchen area. It is noted that the existing property would not be altered externally, other than to replace the existing boarded windows with glazing.
- 1.6 Between the rear and side extensions, a small external storage area of 11m² is proposed to be enclosed by a fence and gate, approximately 2.3 metres in height.

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1.7 This application also proposes to extend the existing car park at the site. At present, the car park holds space for 19 cars. The application proposes to increase this to 24, with an additional 2 disabled parking spaces and 4 cycle spaces, extending the existing car parking area to the east corner of the site.

2.0 Site History

2.1 The site has an extensive planning history which can briefly be summarised as follows:

3/88/0422/FP	Alterations and two storey extension to Public House	Approved with Conditions (not implemented)
3/95/1103/FP	Separation of cottage from pub and construction of new access and 2storey extension to cottage and detached garage	Approved with Conditions (not implemented)
3/97/0259/FP	Single storey extension to provide additional bar area and new male toilets	Approved with conditions
3/03/0916/FP	Two storey rear extension and replacement roof to residential annexe ancillary to public house	Approved with conditions
3/03/2506/FP	Single storey detached building to be used as letting rooms	Refused

3.0 Consultation Responses

3.1 Environmental Health have commented that, due to the isolated location of the proposal site, there are no concerns with regard to the issues from noise, odour or dust. Environmental Health also comment in respect of the storage of food in the open store area and also wish to bring the agents attention to matters regarding operating food premises.

3.2 County Highways do not wish to restrict the grant of permission and comment that a Highways objection to this application would not be justified. County Highways recommend conditions be added to any grant of permission requiring an area of land to be provided within the site for the parking and storage of materials associated with the construction of the development and requiring all vehicular areas to be surfaced in a manner to the Local Authority's approval.

3.3 Landscaping have recommended refusal of the proposal and have concerns that extending the parking area would result in the loss of landscaping and a grassed area. The Officer comments that the new car park layout is not compatible with the surrounding locality and would have a negative impact upon the visual quality of the area.

4.0 Town Council Representations

4.1 Bishop's Stortford Town Council raise no objections to the application.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification. No letters of representation have been received.

6.0 Policy

6.1 The Policies of the East Herts Local Plan Second Review April 2007 most relevant to the consideration of the application are:

- GBC1 Development within the Greenbelt
- ENV1 Design and Environmental Quality
- ENV2 Landscaping
- TR7 Car Parking Standards

7.0 Considerations

7.1 The Red White and Blue is sited within the Metropolitan Green Belt where permission will be given for appropriate development specified in policy GBC1 of the Local Plan. The main considerations in this case are whether the proposed extensions to the building and the extension of the existing car park constitute acceptable development having regard to the relevant policies of the Local Plan.

7.2 The extension of commercial premises in the Green Belt is not a type of development specified in policy GBC1 as being appropriate development. It is therefore necessary to consider whether very special circumstances exist in this case to allow a departure from policy. It is a material consideration that the existing building has a lawful use as a public house which has operated on the site since the early 1900s. The applicant has commented that since the 1990s there has been problems operating the site profitably, and consequently the building has been vacant for at least two years. It is considered that the proposed

extensions to the building would assist in the conversion of the building to a restaurant, and which, as stated by the applicant, will ensure the long term viable and economic use of the site. Having regard therefore to the above considerations and that the site has a lawful use which could be restarted at any point, it is considered that very special circumstances exist in this case to warrant a departure from policy.

- 7.3 With regard to the acceptability of the proposed extensions, it is considered that taking into account the modest size and scale of the proposal, the appropriate siting of the extensions, and taking into account the size of the existing building, the development will not result in a significantly detrimental impact on the character and appearance of the existing building. In terms of design it is considered that the extensions are of a good standard of design and complement the existing building.
- 7.4 Although the proposed extensions will be visible from the surrounding highways, it is considered that the proposed extensions are of a size, scale and design that would not appear unduly prominent within the surrounding street scene or impact upon the openness and rural character of the Metropolitan Green Belt.
- 7.5 The proposal also involves extending the existing hard standing area at the site and to increase the number of car parking spaces at the site from 19 to 24 with an additional 2 disabled parking spaces. The Vehicle Parking Standards, as set out in the East Herts Local Plan requires a maximum of 1 space per 5m² of dining area floor space and 3 spaces to every 4 employees. According to these figures, the applicant would be required to provide a maximum of 30 spaces for the development. However, as these are maximum standards and there is only a short fall of 6 car parking spaces, I do not consider this would warrant refusal of the application and Highways have not raised any concerns over the amount of parking proposed and it is noted however that landscaping have concerns with the loss of grassed area to the front of the building on the application site and also the lack of landscaping to mitigate the loss of the proposed landscaping at the site. However, Officers do not consider that the loss of the grassed area to the front of the building on site would have such a detrimental impact upon the character and the visual qualities of the area and the Green Belt to warrant refusal of the application. It is recommended that conditions are added to any grant of permission with regard to landscaping details to ensure that the character and appearance of the locality is not harmed.

- 7.6 Turning to the impact upon neighbour amenity, the application site is set some distance from nearby residential properties, and therefore the proposal would not result in any impact to the occupiers of such properties.
- 7.7 It is noted that the Council's Environmental Health Section and County Highways have both requested conditions to be attached to any grant of permission. With regard to the suggested condition and notes from Environmental Health, as these are not planning matters as such, they can not be dealt with within this application. However, a directive has been added for the applicant to contact Environmental Health with regard to the necessary food, hygiene and sanitary standards. With regard to the suggested conditions from Highways, as there is substantial space within the site for the parking and storage of materials associated with the construction of the development, I do not consider that it would be reasonable to place this condition on any subsequent grant of permission.

8.0 Conclusion

- 8.1 In conclusion, it is considered that very special circumstances exist to warrant a departure from policy in this instance and that the proposed extensions to the building would not detrimentally affect the character and appearance of the existing building or impact upon the character, appearance and openness of the Metropolitan Green Belt or the surrounding locality. It is considered that although the proposed new extension to the car park, would involve the loss of a grassed area and some landscaping it would not in Officers opinion have a significant harmful visual impact upon the locality that would outweigh the benefits of the proposal. Accordingly, it is recommended that the application be approved subject to the conditions set out at the commencement of this report.