

3/09/0917/FP - Redevelopment of site to provide 10 dwellings at Cole Green Works, Cole Green, SG14 2NL for Mr. Mousley.

Date of Receipt: 02.07.09

Type: Full

Parish: HERTINGFORDBURY

Ward: HERTFORD – RURAL SOUTH

RECOMMENDATION

That planning permission be **REFUSED** for the following reasons:-

1. Within MGB – EHLP (R021)
2. The Local Planning Authority is not satisfied that the proposed residential conversion of existing buildings can be achieved without extensive alterations and substantial extensions, nor that residential use is the only means to secure their retention. The proposal is therefore contrary to policy GBC9 of the East Herts Local Plan Second Review April 2007.
3. The proposed development would result in the loss of an existing employment site, and the Local Planning Authority is not satisfied that the retention of the site for employment use has been fully explored without success. If permitted the proposal would be contrary to policy EDE2 of the East Herts Local Plan Second Review April 2007.
4. Inadequate affordable housing provision (H051)
5. The proposed development does not make adequate provision for contributions towards sustainable transport matters and community contributions to mitigate against the impact of development. It would therefore be contrary to policy IMP1 of the East Herts Local Plan Second Review April 2007.
6. The proposal fails to make provision to secure at least 10% of its energy from decentralised and renewable or low carbon sources and therefore conflicts with policy ENG1 of the East of England Plan 2008.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract. It comprises an established building contractors' yard within the village of Cole Green. The surrounding area is characterised by a mix of scattered detached and semi-

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detached dwellings, several of which are listed, amongst agricultural land and woodland. Munn's Farm is located to the south of the site and has been converted to offices and a children's nursery. The site lies in the Green Belt wherein there is a presumption against inappropriate development.

- 1.2 The site currently comprises a mix of historic workshop buildings and newer industrial style buildings with mature trees along the north, east and west boundaries. The site is currently occupied by two principal firms: Lea Valley Building Supplies and David Head Groundwork Contractors.
- 1.3 This application proposes to convert and extend 3 of the existing buildings to provide 7 no. units, and to construct 3 no. new dwellings centered around a landscaped bioswale. In total, 6 no. 3 bed units and 4 no. 4 bed units are proposed.

2.0 Site History

- 2.1 The site originated as a workshop for the Panshanger Estate, with the applicant's grandfather taking up residence as Clerk of Works. The estate, and site, was then broken up in the early 1950s and several units were sub-let. The applicant's father remained on site running his house building firm. There are currently two principal tenants on site - Lea Valley Building Supplies who have been on site for approximately 23 years, and David Head (Groundwork Contractors) who have been there since 2000.
- 2.2 There is various planning history for industrial buildings on site. The most recent was a new replacement industrial unit approved in 2003 under reference 3/03/0879/FP.

3.0 Consultation Responses

- 3.1 The Council's Landscape Officer recommends consent subject to conditions although no Tree Survey has been submitted. He considers the submission to be an environmentally responsible approach to the development of this site; however planting plans and hard surfacing details will be required.
- 3.2 The Environment Agency raise no objection subject to conditions on land contamination, a remediation strategy, details of foul and surface water drainage and details of water efficiency measures.
- 3.3 County Highways do not wish to restrict the grant of permission subject to conditions. They advise that given the commercial use of the site, a highways objection would not be justified; the proposal would remove HGV

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traffic movements, access is in a suitable form, and adequate vehicle parking and manoeuvring space is proposed. However, in view of the rural nature of the site, the Highway Authority seeks financial contributions to promote sustainable transport schemes/or to implement schemes identified in the local transport plan. In this case a figure of £12,750 (6 at £1,125 + 4 at £1,500) would be an appropriate amount.

3.4 Environmental Health raise no objection subject to conditions on construction hours of working and soil decontamination.

3.5 County Archaeology believe that no further archaeological investigations are necessary at the site to mitigate the impact of the development proposal.

3.6 The County Development Unit recommend that a number of waste matters should be given careful consideration to promote the sustainable management of waste.

3.7 Herts County Council request the following contributions along with fire hydrant provision. No education contributions are required in this instance.

- Childcare £1,624
- Youth £628
- Libraries £2,152

3.8 The Herts and Middlesex Wildlife Trusts advise that some buildings on site have the potential to support bat roosts. The location of this site is also adjacent to an identified Wildlife Site. Conditions are therefore recommended to protect the Wildlife Site, and that demolition only takes place between 1st March - 30th April or 1st September - 30th October to avoid hibernation and breeding season of bats.

3.9 Herts Biological Records Centre recommend that measures should be put in place to protect the Cole Green Wildlife Site during construction. They also advise that a soft demolition procedure should be undertaken for buildings 1, 2, 7, 7a, 8a and 8b and works should stop if evidence of bats are found.

4.0 Parish Council Representations

4.1 Hertingfordbury Parish Council is in favour of this development provided there is a S278 agreement by means of a S106 agreement to provide funds for kerbing along the edges of the village green in Cole Green and Letty Green to prevent further erosion. In addition they request that all construction traffic must come from the Old Coach Road and not through

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Letty Green, and all construction vehicles and storage must be accommodated on the site.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 2 no. letters of objection have been received which can be summarised as follows:-

- Development of 10 new houses is overkill for a village which contains approximately 12;
- Negative effect on the village by noise, traffic, pollution and ruining its character;
- Loss of four established businesses on site – will impact on the local economy;
- Relocation of businesses will be costly and some do not have the capital to move – this could result in liquidation and redundancies;

5.3 2 no. letters of support have been received which can be summarised as follows:-

- Had to complain several times to the companies using the works on the grounds of noise and air pollution – this would cease;
- The development will enhance the area of Cole Green;

6.0 Policy

6.1 The relevant Local Plan policies in this application include the following:-

SD2	Settlement Hierarchy
SD5	Development on Contaminated Land
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
GBC1	Appropriate Development in the Green Belt
GBC9	Adaptation and Re-Use of Rural Buildings
GBC14	Landscape Character
TR2	Access to New Developments
TR7	Car Parking – Standards
TR14	Cycling – Facilities Provision (Residential)
TR20	Development Generating Traffic on Rural Roads
EDE2	Loss of Employment Sites
ENV1	Design and Environmental Quality
ENV2	Landscaping

ENV10	Planting New Trees
ENV11	Protection of Existing Hedgerows and Trees
ENV14	Local Sites
ENV16	Protected Species
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
BH1	Archaeology and New Development
BH12	Development Affecting the Setting of Listed Buildings
IMP1	Planning Conditions and Obligations

- 6.2 In addition to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development), Planning Policy Guidance 2 (Green Belts), Planning Policy Statement 3 (Housing), Planning Policy Guidance 4 (Industrial, Commercial Development and Small Firms), and Planning Policy Statement 7 (Sustainable Development in Rural Areas) are considerations within this application.

7.0 Considerations

Principle of Development

- 7.1 The site lies within the Green Belt wherein inappropriate development will not be permitted. Cole Green is remote from public transport with few local services and as part of the Local Plan settlement strategy is not therefore identified for development. Although the residential conversion of existing rural buildings may be considered appropriate under policy GBC9, the construction of 3 no. new dwellings is by definition inappropriate development, and therefore unacceptable in principle. This report will have consideration to any very special circumstances that may override this principle policy objection.

Residential Conversion of Existing Buildings

- 7.2 The application proposes to convert and extend 3 no. existing buildings on site: the Merchant Store, the Old Barn, and the Saw Mill. Policy GBC9 of the Local Plan allows for the residential conversion of existing rural buildings provided certain criteria are met. These criteria include ensuring that the buildings are soundly constructed, not requiring complete or substantial reconstruction before adaptation.
- 7.3 A structural survey has been submitted, undertaken by Rodney Woods Bailey & Smith structural engineers. This sets out that some repair works will be required in order to convert these three buildings to residential use; however Officers are satisfied that the buildings are capable of conversion without substantial reconstruction.

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- 7.4 Policy GBC9 also states that residential conversions will only be permitted where the retention of the building is unable to be facilitated by conversion to business, leisure, tourism or other uses compatible with the rural area. In this case, as discussed further in the employment section below, there has been no marketing of these buildings for alternative uses.
- 7.5 Further, Policy GBC9 requires that the proposed use of the rural building is sympathetic, and not requiring anything other than minor extensions to accommodate it. The conversions proposed in this application incorporate a number of significant extensions and alterations, which will be discussed below.

The Merchant Store (Unit 1)

- 7.6 The Merchant Store building along the eastern boundary is a simple single storey weatherboarded building with a pantile pitched roof. It is proposed to be converted into a 4 bed dwelling. The east elevation of the building (backing onto the road and grass verge) will remain largely unaltered and single storey. However, a large two storey front gable pitch extension is proposed (to the west elevation) measuring approximately 9m by 9m. By reason of its two storey design, this addition will exceed the height of the existing building by 1.5m. This represents a significant addition to the existing building and therefore fails to comply with policy GBC9(1)(c). A further extensive addition is proposed to the north of the Merchant Store to create a further 4 bed unit (Unit 2).

The Old Barn (Units 3 & 4)

- 7.7 The Old Barn is an existing single storey red brick building with slate tiled roof along the northern boundary of the site. It is proposed to demolish existing workshop additions to this building, and construct 2 no. linked wings to the south to provide for 2 no. 3 bed dwellings. The proposed extensions will measure approximately 13m in length and up to 8.3m in width, and will create a courtyard setting for the building. Whilst this is considered to represent high quality design, it is important to note that these extensions again amount to extensive additions, and therefore are not in accordance with policy GBC9.

Saw Mill (Units 7-10)

- 7.8 The application also proposes to convert the existing Saw Mill into 4 no. 3 bed terraced units. This is the largest building on site and has some interesting design features to be retained, including large openings and doors to the principal north elevation and internal archways. The building is believed to date back to somewhere between 1838 and 1879.

- 7.9 The building will not be extended, and existing store buildings to the rear will be used for parking and bin storage. A new roof is proposed behind existing gable parapets and will take the form of a butterfly roof with ground floor terrace space to the west elevation, and first floor balcony terrace space for each unit to the east elevation. This therefore amounts to a substantial alteration to the roof of the existing building, and although this would provide an interesting modern design, it is not considered to comply with policy GBC9.
- 7.10 Officers therefore do not consider that any of the proposed conversions comply with policy GBC9. Extensive alterations and additions are proposed, and Officers are not satisfied that the buildings cannot be retained by a business, leisure or tourism use. The conversion of the existing buildings therefore also amounts to inappropriate development in the Green Belt, along with the proposed new builds.

Loss of Employment Site

- 7.11 The site has historically been used for employment purposes, having originated as a workshop site for the Panshanger Estate. The site is currently mainly occupied by two established local businesses - Lea Valley Building Supplies and David Head Groundwork Contractors. Policy EDE2 of the Local Plan states that development that will cause the loss of an established employment site outside the identified Employment Areas will only be permitted provided the retention of the site for employment use has been fully explored without success, and evidence must be provided.
- 7.12 In this case, the site is currently occupied by local businesses, and is clearly in demand to remain in employment use, given the objections from the existing tenants. The site has not been marketed for any alternative employment use, and the applicant agrees in the Design and Access Statement that "it cannot be argued that the retention of the site for employment purposes is unviable." The proposal would therefore fail to comply with policy EDE2, and again the applicant relies on very special circumstances to override this policy objection. It is claimed that there is currently a surplus provision of industrial land within the district, and that the benefits of this proposal outweigh any harm to the local economy. Officers do not consider this to be the case, and no evidence has been submitted to identify a lack of demand for employment uses or explain how existing businesses may be satisfactorily relocated.

Very Special Circumstances

- 7.13 The applicant has put forward several reasons why he considers very special circumstances exist to allow for this development. First, it is claimed that the proposed development would increase the openness of the site by reducing the footprint of the buildings by 14% and the volume of buildings by 5%. The need to maintain the openness of the Green Belt is clearly a priority, and whilst there may be some improvement by removing unsightly structures, Officers do not consider that the proposal would significantly improve the openness of the site. This is particularly given the amount of building towards the more open west end of the site, and the construction of 2 no. two storey dwellings with a ridge height of 8m.
- 7.14 Second, it is argued that improvements to the visual amenity of the Green Belt would amount to a very special circumstance. The removal of existing industrial buildings, hard surfacing and open storage areas would certainly improve the appearance of the site, particularly given the level of proposed planting. However, it is important to note that the construction of new dwellings constitutes inappropriate development in the Green Belt and will, by the very nature of the size of the buildings proposed, impact on the openness and visual amenity of the Green Belt.
- 7.15 Third, the removal of an un-neighbourly use is put forward as a very special circumstance. It is noted that there may have been complaints in the past from neighbours related to noise and disturbance from the existing business uses, and that a residential use may improve the relationship with neighbours. However, the use of the site is not one that results in high levels of noise, disturbance or smell, and Environmental Health have no record of any complaints to the Council. Further, the replacement of one inappropriate use with another inappropriate use in the Green Belt is not in itself a reason to allow for the proposed redevelopment.
- 7.16 Fourth, it is noted that the proposal will result in improvements to the setting of the Grade II listed Munn's Farm. This is discussed in more detail in paragraphs 7.23-7.24 below, but is not considered to amount to a reason to allow for the proposed development.
- 7.17 In terms of the loss of employment use on site, it is claimed that the existing business use of the site is unsustainable given its remote location and poor access to transport links. However, Officers note that the existing businesses wish to remain on site, and the demand remains for an employment use regardless of the location. It must also be noted that the same sustainability issues would apply to a residential development where 10 no. units are proposed. Policy SD2 directs development to the main

settlements and Category 1 and 2 villages. The proposed residential redevelopment of the site would therefore not significantly improve the sustainability of the site and this is not considered to amount to a very special circumstance.

- 7.18 Finally, improvements to highway conditions is put forward as a very special circumstance given that the use of the road by HGVs would be removed. No figures have been presented to compare existing and proposed vehicular movements; however Officers do not consider that actual traffic movements would be significantly reduced by replacing 2 no. businesses with 10 no. dwellings. Although there may be some improvement to highway conditions by removing the HGV movements, this is again not considered to amount to a very special circumstance to override conflicts with policies GBC1, GBC9 and EDE2.

Design & Layout

- 7.19 The overall design and layout of the site is considered to be of a high standard. The new buildings and alterations to existing buildings are considered to be of a good quality design, formed of appropriate materials and in-keeping with the rural character of the site and surrounding area. The site has been designed with a central landscaped bioswale area and formal water garden to the north of the Saw Mill which provides for a pleasing environment with the opportunity for high quality planting and hard surfacing.
- 7.20 The new buildings are proposed to be two storeys in height but with first floor rooms in the roof and small dormers/rooflights so as to maintain a lower ridge. The height and scale of the buildings is therefore considered to be generally in-keeping with the scale, style and design of existing dwellings in Cole Green, although the impact of the proposed development would be reduced by limiting the building of the west end of the site and reducing the height and scale of buildings. Overall Officers consider the proposal to comply with the requirements of policy ENV1, and represents an example of good quality design as required under national guidance, PPS1. However, this does not override the harm caused by the development by reason of inappropriateness in the Green Belt, and the loss of an employment site.

Landscaping

- 7.21 An initial landscape concept plan has been submitted which indicates retention of the mature trees along the north, east and west boundaries, with the development centred around a landscaped bioswale pond. The bioswale will act as a landscape feature and provide for natural drainage of the site whilst also creating a habitat for wildlife. A more formal water garden area is also proposed to the north of the Saw Mill. Overall, the initial

landscape proposals are considered to be acceptable and will create a high quality form of development. The Council's Landscape Officer has raised no objection to the proposal subject to conditions requiring a tree survey, details of tree planting, and a more detailed landscape scheme and maintenance.

Affordable Housing

- 7.22 Policy HSG3 of the Local Plan requires a provision of up to 40% affordable housing on sites proposing 15 or more dwellings, or over 0.5ha, in the six main settlements, or proposing 3 or more dwellings, or over 0.09ha, in the Category 1 and 2 Villages. Outside these areas residential development may be allowed if 100% provision is affordable. This application makes no provision for affordable housing and is therefore considered contrary to policy HSG3 of the Local Plan.

Setting of Listed Buildings

- 7.23 Munn's Farm House, a Grade II listed building, is located to the southwest of the site with an additional building forming the southern boundary of the site. This building therefore faces onto the site within close proximity of the works. At the time of the Officer's site visit, the area adjacent to these buildings was being used for vehicle parking, and for the storage of building materials. The proposed re-development would provide residential garden space adjacent to these buildings and would therefore represent an improvement to the setting of this listed building.
- 7.24 A new build dwelling would be located at a distance of 9m from Munn's Farm with a ridge height approximately 1.8m higher; however this is considered to be well-designed and of a scale that will not harm the setting of the listed building. The proposal is therefore considered to comply with policy BH12 of the Local Plan.

Neighbouring Amenity

- 7.25 Officers do not consider that the proposal will result in any harm to neighbouring amenity. No. 26 is the nearest dwelling, with a shared access to the site, and is situated at a distance of approximately 21m east of the Saw Mill. First floor terraces are proposed for the Saw Mill dwellings which will face the flank elevation of No. 26 where there are a number of side windows. However, given the distance involved, it is not considered that undue overlooking or disturbance would result. No. 20 Cole Green and its neighbour are located at a distance of approximately 35m north and as such will not be affected by way of overlooking or loss of light.

Ecology

- 7.26 A full Bat Survey has been undertaken and submitted with the application. No evidence to indicate the presence of bats has been found; however the existing buildings may offer potential for bat roosting and conditions have therefore been suggested by Herts & Middlesex Wildlife Trusts and the Herts Biological Records Centre. A condition would also be considered reasonable and necessary to protect the adjacent Wildlife Site along the Cole Green grass verge. Overall, however, there would be no harm to protected species or Local Sites in accordance with policies ENV14 and ENV16.

Traffic, Parking & Access

- 7.27 Vehicular access to the site will remain as existing and shared with No. 26 Cole Green. This is an established access and will cause no impact on the existing highway network. Traffic generation resulting from the proposed residential development is not considered to be excessive and will not harm the surrounding rural area. The proposal is therefore considered to comply with policy TR20. Highways have raised no objection to the proposal.
- 7.28 In terms of parking, sufficient space is provided. Units 1 and 2 will have 2 no. car port spaces with further frontage parking, Units 3 and 4 will have single garages with frontage parking, Units 5 and 6 will have double garages with frontage parking, and Units 7-10 will have 2 no. dedicated spaces; 1 in a car port and 1 to the front of the building. The proposal is therefore considered to comply with policy TR7 and the Council's adopted Parking Standards.
- 7.29 The Parish Council's comments regarding kerbing are noted; however kerbing of rural lanes would not be welcome, unless absolutely essential, as this introduces a more urban appearance. This has not been requested by Highways.

Renewable Energy

- 7.30 Policy ENG1 of the East of England Plan now requires that developments of 10 or more dwellings make provision to secure at least 10% of their energy from decentralised and renewable or low carbon sources. The Design and Access Statement makes reference to consideration of installing ground source heat pumps and solar panels; however no figures have been presented to identify whether this would amount to 10% of the expected energy requirement.

8.0 Conclusion

- 8.1 The proposal amounts to inappropriate development in the Green Belt by way of proposing new build residential development, and conversion of existing rural buildings that do not comply with policy GBC9. The proposed redevelopment will also result in the loss of an established employment site contrary to policy EDE2. While the design and layout of the scheme is good, it could be improved upon. The lack of affordable housing provision, the scale of development, and impact on openness of the Green Belt are considered to undermine the case that very special circumstances exist to clearly override these policy objections.
- 8.2 The application is therefore recommended for refusal for the reasons set out above.