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4. **3/09/1189/FP – Change of use of former lime works buildings to use associated with nearby animal rescue sanctuary and formation of staff and visitors parking area off existing site access at The Old Lime Works, Farnham Road, Bishops Stortford, Herts, CM23 1JD for The Animal Rescue Charity.**
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Date of Receipt: 18.09.2009

Type: Full – Minor

Parish: BISHOPS STORTFORD

Ward: BISHOPS STORTFORD – MEADS

Reason for report: Requested by Councillor Peek

RECOMMENDATION

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

1. The District Council is not satisfied that the buildings are of a form, bulk, general design and materials of construction in keeping with the surroundings, nor that the buildings are permanently and soundly constructed, not requiring complete or substantial reconstruction to accommodate the proposed use. The proposal is thereby contrary to Policy GBC9 of the East Herts Plan Second Review April 2007.
2. The proposal would give rise to additional traffic hazards by reason of vehicles slowing down, turning into the site and standing on the highway. The proposal would thereby be prejudicial to highway safety, and a potential danger to road users.

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1.0 Background

- 1.1 The application site is located within the Metropolitan Green Belt, to the North of the settlement of Bishop's Stortford as shown on the attached OS extract.
- 1.2 The application site is situated along Farnham Road, just North of the A120, and was formerly occupied by the Old Lime Works until its closure during the 1960s when chalk extraction at the quarry ceased. There is an existing access into the site from Farnham Road however, this has been disused for a number of years and is currently closed off by wire mesh fencing,

approximately 2.0metres in height. The application site is situated to the South-West of the now disused quarry and to the North-East of Delta Export Services depot. There are a number of disused buildings on the site dating from circa 1930s and the site and its surroundings are somewhat overgrown with mature trees, shrubs and landscaping.

- 1.3 The application seeks permission for the change of use of former lime works buildings to use associated with a nearby animal rescue sanctuary and formation of staff and visitors parking area off the existing site access. The applicants have indicated that using the site as a quarantine facility would enable them to keep sick animals away from the main sanctuary in a separate location to ensure that healthy animals are not put at risk. The proposal seeks to convert two of the existing buildings on site to accommodate a quarantine facility to be used in conjunction with their parent premises in Rye Street, approximately half a mile away. The buildings would accommodate storage rooms, a reception area, vets room, staff room, records store and night watchman's room which it has been indicated would enable a 24 hour caretaker to be present on site however, this would not provide for residential accommodation. The remainder of the site surrounding the buildings would be cleared of debris and rubbish.
- 1.4 With regards to access into the site, it is proposed that the existing Northern and Southern access points would be fully reinstated. The Northern access would be reinstated for the purpose of receiving deliveries and refuse collections, whilst the Southern access and the formation of parking provision for up to 6 vehicles would allow staff and visitors to enter and park at the site. It has been indicated that the site would be visited by visitor's cars, the veterinarian, wardens and staff bringing animals to the site however, the frequency of these visits has not been stated.

2.0 Site History

- 2.1 Planning permission was previously refused in June 2007 (ref. 3/07/0866/FP) for the change of use of former limeworks buildings to a use associated with the animal rescue sanctuary for the following reasons:
- The District Council is not satisfied that the buildings are of a form, bulk, general design and materials of construction in keeping with the surroundings, nor that the buildings are permanently and soundly constructed, not requiring complete or substantial reconstruction to accommodate the proposed use; and
 - The proposal would give rise to additional traffic hazards by reason of vehicles slowing down, turning into the site and standing on the highway.

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The proposal would thereby be prejudicial to highway safety, and a potential danger to road users.

2.2 This application was for the same use and development that is now proposed by this application, and accordingly the 2007 application is a material consideration in the determination of this application.

2.3 There is no other relevant planning history at the application site.

3.0 Consultation Responses

3.1 County Highways recommend that permission be refused as to permit this proposal would lead to an unwarranted use of an access where visibility for traffic turning into the site is extremely limited and would thereby lead to conditions detrimental to highway safety on the public highway.

3.2 It has been noted that this scheme proposes use of the existing Southern access to serve a visitor and staff car parking area together with retention of the northern access for use by service/delivery vehicles. Whilst no objections have been raised regarding the use of the Southern access, there are still concerns regarding the prospect of the Northern access remaining open. This access enters the highway on a severe bend at a point where visibility for and of vehicles turning into the site from the South is extremely limited.

3.3 The historic use of the site and the fact that this access may have accommodated a considerable number of vehicle movements has been acknowledged. However, in previous responses it was suggested that either the Northern access would be closed completely or a circulatory system would operate within the site, with the Southern access being used to enter the site and the Northern access retained solely as an exit. This application does not address those previous concerns and will perpetuate the use of a substandard access, therefore it is recommended that permission be refused on highway safety grounds.

3.4 Environmental Health does not wish to restrict the grant of permission subject to conditions relating to asbestos, soil decontamination and refuse disposal facilities.

3.5 Hertfordshire Biological Records Centre commented that The Old Lime Works are identified as a county Ecological Database Site (EDS34/024). This application is for a change of use to the buildings only, and does not cover the whole site. As a consequence, planning conditions will not be recommended for the site to be managed for wildlife.

3.6 Veolia Water commented that the site is located within the groundwater Source Protection Zone (SPZ) of Stansted pumping station. As such, the construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

4.0 Town Council Representations

4.1 No comments have been received from Bishop's Stortford Town Council on the proposal.

5.0 Other Representations

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

5.2 No letters of representation have been received.

6.0 Policy

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

- GBC1 Appropriate Development in the Green Belt
- GBC9 Adaptation and Re-use of Rural Buildings
- TR7 Car Parking – Standards
- ENV1 Design and Environmental Quality

7.0 Considerations

7.1 The determining issues in relation to this application are:

- The Principle of Development;
- Highway/ Access Considerations;
- Whether there has been any changes in circumstances or policy since the previously refused application.

Principle of Development

7.2 The application site is designated as within the Green Belt in the Local Plan, wherein the adaptation and reuse of agricultural and other non-residential/domestic rural buildings for business purposes will be permitted in accordance with criteria as specified within Policy GBC9. This Policy

expects buildings proposed for conversion to be of a form, bulk, general design and materials of construction in keeping with its surroundings and to be permanently and soundly constructed, not requiring complete and substantial reconstruction before adaptation to a new use.

- 7.3 It is considered that the building fronting onto Farnham Road is a two storey flat roof property of poor quality brickwork which has been sporadically repaired in places over time. The property is situated in a prominent location adjacent to the Farnham Road and it is considered that the close proximity of the building to the road, coupled with its poor design and appearance would be out of keeping with the character and appearance of the surrounding area. Furthermore, the single storey building at the rear is constructed in a low grade brick with corrugated metal roof, and is considered to be of a poor design and out of keeping with the rural surroundings. With regards to the structural integrity of the building, it is considered that the rear elevation of the two storey building has suffered from disrepair and the brickwork is of particularly poor appearance. Moreover, the roof of the single storey building appears to be in poor condition and would be likely to require substantial repairs and alterations to accommodate the proposed use.
- 7.4 It has been noted that a 'Brief Structural Report' dated on June 2007 has been submitted with this application. However, this is the same information that was submitted in support of the previously refused application (LPA Ref: 3/07/0866/FP) and no new information, aside from the Planning Statement, has been submitted with the current application. The aforementioned report comments that the building seemed 'in an overall structurally sound condition'. However, it indicates that 'extensive cosmetic/ timber treatment and window repairs need to be carried out as well as possible damp proofing'. Furthermore, the report itself acknowledges that it is based entirely on "a brief limited visual structure inspection" of those parts of the building which were accessible and visible at the time of inspection. Indeed, it recommends that further specialist consultant reports are carried out in order to satisfy the applicants that the timber parts of the buildings are free from rot and that any damp proof courses are sound. It concludes that the report "must not be used as a complete guide to the general condition of the building". It is also considered that the age of the report and the continued disuse of the buildings at the application site could have exacerbated the poor condition of these buildings and therefore it is considered that the report would not constitute an accurate or up to date reflection of the condition of the buildings and therefore limited weight should be given to its findings.
- 7.5 Taking into account all the matters raised above, it is considered that the

buildings on the application site are of a form, bulk, general design and materials of construction that would be out of keeping with, and detrimental to the rural character and appearance of the surrounding area. Furthermore, it is considered that insufficient information has been provided to demonstrate that the buildings proposed for conversion would be permanently and soundly constructed and in Officer's opinion they would therefore be likely to require complete and substantial reconstruction before adaptation to a new use. The proposed change of use would therefore be considered unacceptable within the Green Belt and contrary to Policy GBC9 of the Local Plan.

Highways/ Access Considerations

7.6 In addition to the change of use of the existing buildings on site, the proposal seeks to reinstate the existing Northern and Southern access onto Farnham Road and the formation of 6 staff/ visitor parking spaces. It has been noted that approximately 2 members of staff would be on site at any one time however, the additional number of traffic movements created by visitors, staff and other vehicles has not been indicated. County Highways commented that whilst they have no objections to the use of the Southern access and parking area, the application has not addressed the highway safety concerns expressed in their consultation response to the previously refused application (LPA Ref: 3/07/0688/FP). They have again expressed concerns regarding the reinstatement of the Northern access which would lead to unwarranted use of an access where visibility for traffic turning into the site is extremely limited. This would then lead to conditions detrimental to highway safety on the public highway and visibility around the bend for and of vehicles turning into the site from the South is extremely limited to the extent that every movement creates a hazard to highway safety. It is further considered that this situation could be exacerbated by the increase in the volume of traffic that would be visiting the application site, which it is envisaged could occur throughout the day and night such is the nature of the service the animal sanctuary provides.

8.0 Conclusion

8.1 Having regard to the above considerations it is concluded that the proposed change of use would represent inappropriate development within the Green Belt and the District Council is not be satisfied that the buildings are of a form, bulk, general design and materials of construction in keeping with the surroundings, nor that the buildings are permanently and soundly constructed, not requiring complete or substantial reconstruction to accommodate the proposed use, contrary to Policy GBC9. Furthermore, the proposal would give rise to additional traffic hazards by reason of

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vehicles slowing down, turning into the site and standing on the highway and would thereby be prejudicial to highway safety, and a potential danger to road users.

- 8.2 Furthermore it is considered that the current application has not overcome the reasons for refusal of the 2007 application, which is a material consideration in the determination of this application.
- 8.3 It is therefore recommended that planning permission be refused for the reasons outlined at the head of the report.