

Agenda Item 5c

3/10/1091/FP – Conversion of outbuildings to holiday lets at land Adj. 1 Levens Green, Old Hall Green, SG11 1HD for Mr Steven Garner.

Date of Receipt: 17.06.2010

Type: Full - Minor

Parish: GREAT MUNDEN

Ward: MUNDENS AND COTTERED

RECOMMENDATION

That, subject to a unilateral undertaking pursuant to S106 of the Town and Country Planning Act 1990 requiring visibility splays to be maintained on neighbouring land for the lifetime of the development,

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

1. Three year time limit (1T12)
2. Materials of construction (2E11)
3. Lighting details (2E27)
4. Wheel washing facilities (3V25)
5. The vehicle parking and turning layout shown on the approved plans shall be laid out prior to first occupation of the units, and shall thereafter be retained for use in association with the approved development.

Reason: To ensure satisfactory parking and turning for vehicles clear of the public highway.

6. The presence of any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority.

Reason: To ensure adequate protection of human health, the environment and watercourses in accordance with PPS23 'Planning and Pollution Control'.

7. Landscape Design Proposals (4P12 b,c,e,i,j,k)
8. Landscape works implementation (4P13)

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9. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented as approved.

Reason: To prevent pollution of the water environment in accordance with PPS23 'Planning and Pollution Control'.

10. The development hereby permitted shall be used solely as self catering holiday accommodation for a maximum stay of three months within any twelve month period, and for no other purpose whatsoever, including any use within Classes C2 and C3 of the Town and Country Planning (Use Classes) Order 1995, as amended.

Reason: To preserve the rural character of the surrounding area, in accordance with policies GBC1 and GBC9 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other legislation (01OL)
2. Where works are required within the public highway to facilitate vehicle access, the Highway Authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757800) for further information and to determine the necessary procedures.
3. The applicant is advised that should bats be found during development, works must stop immediately and Natural England contacted on 01206 796666, and a licence obtained. The applicant may therefore choose to have the buildings inspected by an ecological consultant prior to works starting.
4. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded cement is found the Health and Safety Executive at AW House, 6-8 Stuart Street, Luton, Beds, LU1 2SJ shall be contacted and the asbestos shall be removed by a licensed contractor.

5. The applicant is reminded that the development hereby permitted is solely for the conversion of the existing buildings. A rebuild would require planning permission but would also be outside the scope of policy GBC3 as appropriate development in the Rural Area Beyond the Green Belt.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, GBC3, GBC9, GBC14, TR2, TR7, TR20, ENV1, ENV2, ENV16, LRC10 and OSV3. The balance of the considerations having regard to those policies is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract and comprises existing run-down stable and storage buildings laid out around a central courtyard. The site lies to the west of Levens Green and is surrounded by mostly agricultural and equestrian land. This application proposes to adapt and convert the buildings to holiday accommodation with associated car parking and landscaping.
- 1.2 The site is located in the Rural Area Beyond the Green Belt, approximately 70m to the west of the owner's dwelling at 1 Levens Green, and adjacent to neighbouring stables. The site is accessed via a shared vehicular access onto Levens Green.
- 1.3 The application is being referred to Members at Development Control Committee as the application is recommended for approval subject to a legal agreement.

2.0 Site History

- 2.1 An earlier application to convert these buildings to holiday lets (3/10/0233/FP) was refused on the grounds that the conversion resulted in excessive additional openings resulting in a building of over-domesticated appearance, and also a proposed access with poor visibility to the highway. This application now attempts to address these concerns.
- 2.2 There is no other planning history relevant to this site.

3.0 Consultation Responses

- 3.1 County Highways do not wish to restrict the grant of permission subject to conditions on hard surfacing, the provision of parking and turning space prior to occupation, and wheel washing facilities.
- 3.2 Environmental Health have no objection subject to conditions on construction hours of working, air quality and land contamination.
- 3.3 Herts Biological Records Centre comment that they do not have any know records of bats on site, and it would appear unlikely that bats are present in the building. However, it is possible that bats may roost behind the boarding on some of the buildings. HBRC take the view that it would be unreasonable to recommend a full bat survey prior to determination; however the applicant must be made aware that works must stop immediately if bats are found.
- 3.4 The Environment Agency raise no objection subject to a condition on a scheme to dispose of foul and surface water.
- 3.5 The Council's Engineers have no records of historic flooding at the site or in the surrounding area. They advise that as the development is primarily a change of use and little or no external development is being constructed they would have no objections to the proposals. In order to provide enhanced levels of protection it is recommended that the site makes use of additional flood risk reduction features/sustainable drainage systems such as harvesting water butts fitted to downpipes.
- 3.6 At the time of writing this report, no response has been received from the Landscape Officer, and Herts and Middlesex Wildlife Trusts; however no objection was raised by these consultees on the earlier application.

4.0 Parish Council Representations

- 4.1 Great Munden Parish Council have no objection.

5.0 Other Representations

- 5.1 The applications have 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 saved Local Plan policies in this application include the following:-

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC9	Adaptation and Re-use of Rural Buildings
GBC14	Landscape Character
TR2	Access to New Developments
TR7	Car Parking - Standards
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV16	Protected Species
LRC10	Tourism
OSV3	Category 3 Villages

6.2 In addition to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development), Planning Policy Statement 7 'Sustainable Development in Rural Areas', and PPS23 'Planning and Pollution Control' are considerations in determining this application.

7.0 Considerations

Principle of Development

7.1 The site lies in the Rural Area Beyond the Green Belt wherein inappropriate development will not be permitted; however policy GBC9 allows for the re-use and adaptation of rural buildings subject to certain criteria, and policy LRC10 supports suitable proposals for visitor accommodation in the district. The main issues in this case therefore relate to the principle of the development, impact on the character and appearance of the surrounding rural area, neighbouring amenity, parking, access, landscaping, and impact on the setting of a nearby Grade II listed building. Particular regard will be had to whether the previous reasons for refusal have been addressed.

Re-use of Rural Buildings

7.2 First, the existing buildings are of a simple form and functional design that is considered to be in-keeping with the surrounding rural area. The buildings are a mix of blockwork and timber construction with flat roofs, and were previously used as stables and storage. The buildings are considered to be structurally sound and capable of conversion without substantial reconstruction.

- 7.3 A structural survey has been undertaken by Roberts Hay Partnership, and although this is only based on a brief visual inspection, it identifies that the walls appear to be reasonably sound. The roof has been identified as somewhat precarious, but this would need to be reconstructed anyway given the change in design from flat to pitched roof. It may also be necessary to strengthen the foundations subject to further survey work. However, this is common work for this type of project.
- 7.4 In terms of external alterations, the footprint of the buildings will remain unchanged; however a series of pitched roofs will be provided across the building in place of the existing flat roofs. This results in a height increase of some 1-2m. However, the eaves will be considerably reduced, and therefore the overall bulk of the buildings would not be significantly increased. Although this is quite an extensive alteration, it is considered to represent a design improvement to the buildings and will enhance the character and appearance of the surrounding rural area. The change in roof is not considered to amount to a substantial reconstruction of the building to warrant refusal of this application.
- 7.5 In terms of external appearance, the conversion was previously refused on the grounds of excessive additional openings resulting in a building of over-domesticated appearance. This current application has addressed this issue by making better use of existing openings, and amending the layout to therefore significantly reduce the number of new openings. In total, 6 no. new window and door openings are proposed across the building with 5 no. rooflights. This is considered to better respect the simple rural character and appearance of the buildings, and Officers therefore consider the first previous reason for refusal to have been overcome.

Tourism

- 7.6 Policy LRC10 states that the District Council will encourage suitable tourism proposals in appropriate locations, and give favourable consideration to suitable proposals for visitor accommodation within the District. This is considered to be a suitable proposal because the scheme involves the re-use of buildings in accordance with policy GBC9 and is in an appropriate location in close proximity to a network of footpaths and bridleways. Previous consultation with the Council's Tourism Development Officer confirmed support for such projects; however the quality of the product is very important.

Parking and Access

- 7.7 The previous application was also refused on the grounds of poor visibility at the shared access onto Levens Green. In order to achieve a satisfactory access, a neighbouring hedge had to be cut back. This has now been

carried out and Highways have indicated that they are satisfied with the visibility splay. However, as this visibility splay lies outside the control of the applicant, a legal agreement is required to ensure this splay is retained for the lifetime of the development, and this legal agreement must also be signed by the neighbour. A draft unilateral undertaking has been submitted, and has been deemed satisfactory by the Council's legal team. The application would only be considered acceptable subject to this legal agreement being signed and executed.

- 7.8 In terms of parking, 6 no. spaces are proposed in an area to the east of the building. This is considered to be acceptable in line with the Council's adopted parking standards which set out a maximum provision of 7 no. spaces for this development.

Landscaping

- 7.9 There are no trees to be affected on site; the site is predominantly hard surfaced in concrete. The proposed development would include a gravel finish to much of the site with a central paved barbeque/picnic area. It would be necessary to provide some planted borders in this area in order to comply with policy ENV2, and this could be required by way of planning condition. No private amenity areas are provided in the layout; however this would not be necessary for holiday accommodation. The two larger units would have a small patio area facing out over open fields. All units would have shared use of the central courtyard facilities.
- 7.10 A native hedge is proposed around the car park and refuse storage areas; this is considered to be in-keeping with the landscape character of the area. Finally, a large concrete apron to the north of the building will be broken up, removed, and replaced by meadow. Overall, it is considered that a good quality landscaping scheme could be achieved on this site which would improve the overall character and appearance of the site and surrounding area. Full details of planting and hard surfacing would be required by way of condition.

Setting of Listed Buildings

- 7.11 The site is located at a distance of approximately 70m from No. 1 Levens Green and Orchard Cottage, a pair of Grade II listed semi-detached dwellings. Given this distance, and also the overall improvements of the site, Officers consider that the setting of these listed buildings would be preserved in accordance with PPS5.

Bats

- 7.12 No bat survey has been submitted with the application; however HBRC have advised that the building is unsuitable and unlikely to support bat populations. A directive is therefore recommended to make the applicant aware of the legislation protecting these species, but it is not considered that any harm would arise to bats in accordance with policy ENV16.

Neighbour Amenity

- 7.13 Finally, there are no immediate neighbours to be affected by this development; the closest being the applicant's dwelling and semi-detached neighbour at a distance of some 70m to the east.

Conditions

- 7.14 In addition to conditions already mentioned above, it is considered necessary to restrict the occupation of these units solely as holiday lets in order to protect the character of the surrounding Rural Area. Use of these buildings as dwellinghouses would not be considered appropriate without full marketing of the site in accordance with policy GBC9, and a more appropriate amenity layout. It is also necessary to require full details of the proposed waste storage and disposal facilities. Further, the use of any external lighting should be restricted by condition given the location of the site in a rural area.
- 7.15 A condition is also recommended that any unsuspected contamination should be brought to the attention of the Council. Other conditions suggested by Environmental Health, however, on dust, bonfires and construction hours of working are noted; however these are adequately covered by Environmental Health legislation. Finally, conditions suggested by Highways on wheel washing facilities, and to require the parking and turning layout to be provided prior to occupation are also recommended. Hard surfacing is covered under the landscaping condition.

8.0 Conclusion

- 8.1 Overall, the proposed adaptation and conversion of these buildings to holiday accommodation is considered to comply with policy GBC9 and therefore amounts to appropriate development in the Green Belt, and will provide suitable tourist accommodation within existing rural buildings. Impact on listed buildings, neighbour amenity and landscaping is considered to be acceptable, and the previous issue regarding visibility has been overcome subject to a unilateral undertaking to retain this visibility splay for the lifetime of the development.

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8.2 The application is therefore recommended for approval subject to the signing of a legal agreement, and the conditions set out above.

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