



MEETING : DEVELOPMENT CONTROL COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 25 MAY 2011
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE:

Councillor W Ashley (Chairman).

Councillors M Alexander, S Bull, A Burlton, Mrs R F Cheswright, J Demonti, G Lawrence, G Jones, M Newman, S Rutland-Barsby, J Taylor and B Wrangles.

Substitutes:

Conservative Group: Councillors D Abbott, D Andrews and E Bedford.

Liberal Democrat Group:

Independent Group: Councillor E Buckmaster.

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

**CONTACT OFFICER: PETER MANNINGS
(01279) 502174**

PERSONAL AND PREJUDICIAL INTERESTS

1. A Member with a personal interest in any business of the Council who attends a meeting of the Authority at which the business is considered must, with certain specified exemptions (see section 5 below), disclose to that meeting the existence and nature of that interest prior to the commencement of it being considered or when the interest becomes apparent.
2. Members should decide whether or not they have a personal interest in any matter under discussion at a meeting. If a Member decides they have a personal interest then they must also consider whether that personal interest is also prejudicial.
3. A personal interest is either an interest, as prescribed, that you must register under relevant regulations or it is an interest that is not registrable but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of the Council more than it would affect the majority of inhabitants of the ward(s) affected by the decision.
4. Members with personal interests, having declared the nature of that personal interest, can remain in the meeting, speak and vote on the matter unless the personal interest is also a prejudicial interest.
5. An exemption to declaring a personal interest applies when the interest arises solely from a Member's membership of or position of general control or management on:
 - any other body to which they have been appointed or nominated by the authority
 - any other body exercising functions of a public nature (e.g. another local authority)

In these exceptional cases, provided a Member does not have a prejudicial interest, they only need to declare their interest if they speak. If a Member does not want to speak to the meeting, they may still vote on the matter without making a declaration.

6. A personal interest will also be a prejudicial interest in a matter if all of the following conditions are met:
 - the matter does not fall within one of the exempt categories of decisions
 - the matter affects your financial interests or relates to a licensing or regulatory matter
 - a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest.

7. Exempt categories of decisions are:
 - setting council tax
 - any ceremonial honour given to Members
 - an allowance, payment or indemnity for Members
 - statutory sick pay
 - school meals or school transport and travelling expenses: if you are a parent or guardian of a child in full-time education or you are a parent governor, unless it relates particularly to the school your child attends
 - housing; if you hold a tenancy or lease with the Council, as long as the matter does not relate to your particular tenancy or lease.

8. If you have a prejudicial interest in a matter being discussed at a meeting, you must declare that interest and its nature as soon as the interest becomes apparent to you.

9. If you have declared a personal and prejudicial interest, you must leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose. However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe proceedings.

AGENDA

- (O) 3/11/0272/FP - Change of use from 1st floor office use to residential at 18 Bell Street, Sawbridgeworth, CM21 9AN for Mrs Susan Dewbrey (Pages 5 - 12).

Recommended for Approval.

50 3/11/0272/FP – Change of use from 1st floor office use to residential at 18 Bell Street, Sawbridgeworth, CM21 9AN for Mrs Susan Dewbrey

Date of Receipt: 28.02.2011

Type: Full – Other

Parish: SAWBRIDGEWORTH

Ward: SAWBRIDGEWORTH

RECOMMENDATION:

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

1. Three year time limit (1T12)
2. Approved plans (2E10) (Location Plan, Plan 01, Plan 02)

Directive:

1. Other legislation (01OL)

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 Plan, Minerals Local Plan, Waste Local Plan and saved policies of the East Herts Local Plan Second Review April 2007), and in particular Policies EDE2, ENV1, TR7 and Planning Policy Statement 5: Planning for the Historic Environment. The balance of the considerations having regard to those policies and the circumstances of the case is that permission should be granted.

_____ (027211FP.LD)

1.0 Background:

- 1.1 The application site is located within the built-up area of Sawbridgeworth and its designated Conservation Area, and is shown on the attached OS extract.
- 1.2 The application property is a Grade II Listed Building located on the Southern side of Bell Street, adjacent to the entrance of the public car park. The property is a two storey end-of-terrace which comprises of a ground floor shop unit and first floor office accommodation, both of which are currently vacant.

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1.3 The application seeks planning permission for the change of use of the first floor office into residential accommodation. The proposal would involve the conversion of the existing 3no. offices, kitchen and bathroom into a two bedroom flat with separate lounge and kitchen facilities. It is indicated that the ground floor unit would remain in retail use and the proposed residential accommodation would be accessed independently to the shop below.

2.0 Site History:

2.1 Planning permission for the change of use from A1 retail into A2 solicitor's office was refused under LPA reference 3/07/1815/FP on the grounds that it would result in the loss of a retail unit within a Secondary Shopping Frontage that would be detrimental to the vitality and viability of the town centre, contrary to Policy STC4. There is no other relevant planning history at the application property.

3.0 Consultation Responses:

3.1 The Council's Conservation Officer recommends permission and comments that the proposed change of use would not result in the removal, extension or alteration of any element of the listed building and as such have no impact on the significance of the architectural or historic value of the building.

3.2 Environmental Health advises that any permission which the Local Planning Authority may give should include the following conditions: noise insulation, construction hours of working, dust, bonfires, refuse disposal facilities.

3.3 County Highways does not wish to restrict the grant of planning permission and comment that in view of the town centre location, previous use and location of available public parking, that the proposal is acceptable in a highways context.

4.0 Town Council Representations:

4.1 Sawbridgeworth Town Council raise no objections to 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 saved Local Plan policies in this application include the following:-

EDE2	Loss of Employment Sites
ENV1	Design and Environmental Quality
TR7	Car Parking Standards

In addition to the above it is considered that Planning Policy Statement 5: Planning for the Historic Environment is relevant in the determination of this planning application.

7.0 Considerations:

7.1 The determining issues in relation to this application are:

- The principle of the change of use from office to residential;
- Neighbouring amenity considerations;
- Highways considerations;
- Listed Building and Conservation Area considerations.

Principle of the change of use from office to residential

7.2 The first floor office accommodation is categorised as an undesignated employment use within the Local Plan, wherein development which would cause the loss of an existing employment site, or one that was last in employment use, will only be permitted subject to the criteria as specified in Policy EDE2. This Policy expects that the retention of the site or premises for employment uses has been explored fully without success, evidence of which must be provided.

7.3 The applicant has indicated that the first floor office space was initially marketed 'To Let' in March 2009. The marketing exercise included circulation of property details by the agent, Coke Gearing, to existing database clients, advertising on the Coke Gearing website and other specialist property websites, as well as placing an advertisement board on the building itself. As a result, an offer was received on the property however, the applicant subsequently pulled out of the contract. The property was continually marketed until June 2010, at which point the applicant has indicated that the ground and first floor accommodation within the building was marketed together as a single unit 'To Let' and

'For Sale'.

- 7.4 It is acknowledged that the first floor accommodation was marketed for a period of just over one year between March 2009 and June 2010. However, no evidence has been provided to demonstrate that the property was marketed from June 2010 onwards. It is therefore considered that the retention of the site has not been 'fully' explored without success and the proposal would therefore form a departure from Local Plan Policy EDE2.
- 7.5 Whilst officers acknowledge that more extensive marketing may be beneficial, it is considered that significant weight should be given to the physical constraints of the application site. The first floor office accommodation is limited in size with a floor area of approximately 48 square metres. The application property is located along Bell Street which is a predominately retail shopping frontage and falls outside any of the designated employment areas within the District. It is also considered that the property has been vacant since March 2009 and limited interest was received during the first marketing exercise which continued for over a year.
- 7.6 Additionally, it is considered that the proposed change of use from office to residential would enable the vacant unit to be brought back into beneficial use. It would also provide a new 2 bedroom residential unit within the town centre of Sawbridgeworth which is a sustainable and strategically preferable location, close to transport links and local shops and services. Having regard therefore to all of the above considerations, it is considered that there are material planning considerations in this case to justify the proposed change of use from office to residential, contrary to Policy EDE2.

Neighbouring amenity considerations

- 7.7 It is considered that the properties along Bell Street comprise of a mixture of retail, financial and professional services, and restaurant uses at ground floor level with office and residential uses at first floor and above. As such, it is considered that the proposed residential use would not create a level of activity that in itself would be detrimental to the amenities of nearby business or residential occupiers. Furthermore, it is considered that the proposed residential accommodation would be of an acceptable standard with sufficient light and ventilation for future occupiers and its own independent access. It is noted that the proposed residential unit would not benefit from outdoor amenity space. However, it is considered that neighbouring residential properties along

Bell Street are without outdoor garden space and it is not considered that the absence of outdoor space would result in living conditions that would be sufficiently detrimental to the future occupiers of the dwelling to recommend refusal in this instance.

- 7.8 It is noted that Environmental Health raised no objections to the proposal however; they have recommended conditions in relation to noise insulation, construction hours of working, dust, bonfires and refuse disposal facilities. These comments have been duly noted however, it is not considered reasonable or necessary in accordance with Circular 11/95 to recommend these conditions in respect of the current proposal.

Highways considerations

- 7.9 It is acknowledged that the application property does not benefit from any allocated off-street car parking. However, the property is situated adjacent to the Bell Street public car park and located within the town centre of Sawbridgeworth which is close to public transport links and local shops and services. County Highways have commented that they do not wish to restrict the grant of permission and in view of the town centre location, previous use and location of available public parking the proposal is acceptable in a highways context. Having regard therefore to these considerations, it is considered that the proposed change of use would not result in a significant increase in on-street car parking that would be detrimental to highway safety and capacity in the area.

Listed building considerations

- 7.10 It is indicated that the proposed change of use would not result in any internal alterations to the listed building, removal of any original features or changes to the existing shop front. As such, it is considered that the proposal would not be detrimental to the character, appearance or setting of the listed building and the surrounding Conservation Area.

8.0 Conclusion:

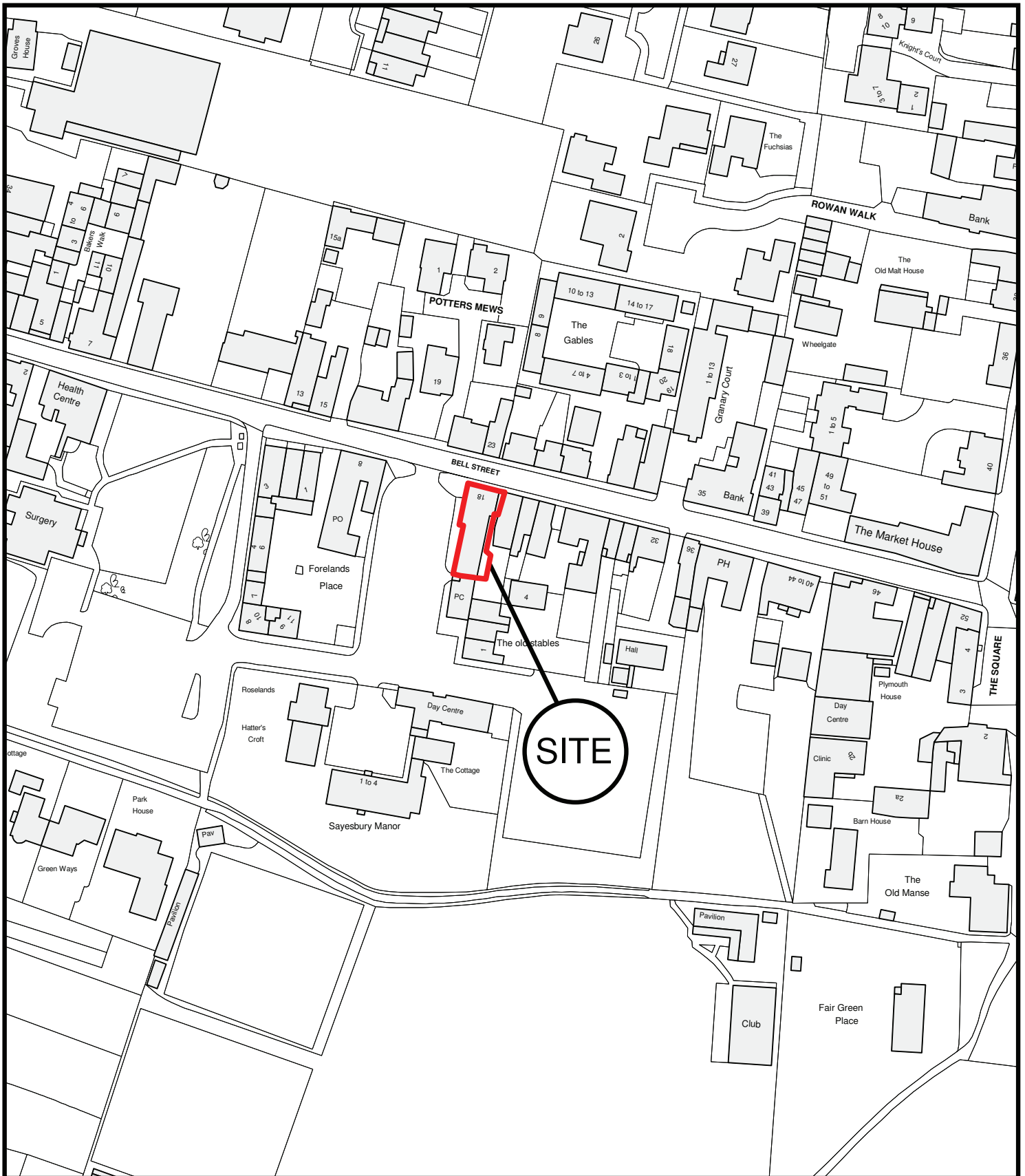
- 8.1 In summary, it is considered that there are material planning considerations in this case to allow a departure from Policy EDE2 and that the proposed change of use from office to residential would be acceptable in this instance.

- 8.2 It is considered that the proposed residential unit would provide appropriate living conditions for future occupiers and would not create such a level of activity that would be harmful to the amenities of nearby

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neighbouring occupiers. The proposed change of use would not be harmful to highway safety and it is considered that the central location of the property, together with nearby public car parking and public transport links would be acceptable given that the property does not benefit from allocated car parking. Furthermore, it is considered that the proposal would be sympathetic to the character, appearance and setting of the listed building and surrounding Conservation Area.

- 8.3 It is therefore recommended that planning permission be granted in this case.



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