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Chairman and Members of the
Development Control Committee
cc. All other recipients of the
Development Control Committee
agenda
Dear Councillor,

Your contact: Peter Mannings
Ext: 2174
Our ref: DC/PM
Date: 27 February 2012

DEVELOPMENT CONTROL COMMITTEE - 29 FEBRUARY 2012

Please find attached the following reports which were marked "to follow" on the agenda for the above meeting:

- (P) 3/11/2048/FP - Proposed young peoples housing scheme consisting of 14 2 bed bedsit flats and associated staff and training facilities plus parking and garden areas on a site currently used as a Council car park at Baker Street, Hertford for Aldwyck Housing Group (Pages 3 - 18).

Recommended for Approval.

- 9. Items for Reporting and Noting (Pages 19 - 36).

- (A) Appeals against refusal of Planning Permission/ non-determination.

- (B) Planning Appeals Lodged.

- (C) Planning Appeals: Inquiry and Informal Hearing Dates.

Please bring these papers with you to the meeting next Wednesday,

Yours faithfully,

Peter Mannings, Democratic Services Officer
peter.mannings@eastherts.gov.uk

MEETING : DEVELOPMENT CONTROL COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 29 FEBRUARY 2012
TIME : 7.00 PM

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5p 3/11/2048/FP - Young Persons Housing Scheme comprising 14 bed-sit flats, plus associated offices and training facilities on site of the former EHDC car park, Baker Street, Hertford, SG13 7HS for Aldwyck Housing Group

Date of Receipt: 25.11.11

Type: Full – Major

Parish: HERTFORD

Ward: HERTFORD – CASTLE

RECOMMENDATION:

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

1. Three year time limit (1T12)
2. Approved plans (2E10): 1005.2.3/01A, 1005.2.3/02D, 1005.2.3/03B, 1005.2.3/04B, 1005.2.3/05, 1005.2.3/06A, 1005.2.3/07, 1005.2.3/08A, 1005.2.3/09, 1005.2.3/10, 1005.2.3/11A, 1005.2.3/12A, 1005.2.3/13A, 1005.2.3/14, 16511-1001, 12/10/2011.1, JEC/300/01 and JEC/300/02.
3. Programme of archaeological work (2E02)
4. Boundary walls and fences (2E07)
5. Materials of Construction (2E11)
6. Obscure glazing (2E18)
7. Refuse disposal facilities (2E24)
8. Lighting Details (2E27)
9. Materials arising from demolition (2E32)
10. Hard Surfacing (3V21)
11. Provision and retention of parking spaces (3V23) with amendment to require the provision of access bollards.
12. Wheel washing facilities (3V25)
13. Landscape Design Proposals (4P12) (c, d, f, g, h, l, j and k) with amendment to specify date of implementation.
14. Landscape Works Implementation (4P13)

3/11/2048/FP

15. Construction hours of working-plant and machinery (6N07)

Directives:

1. Other legislation (01OL)
2. Street Naming and Numbering (19SN)

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, SD3, HSG1, HSG3, HSG4, HSG6, TR1, TR2, TR7, TR8, TR14, ENV1, ENV2, ENV3, ENV4, ENV20, ENV21, ENV23, BH6, IMP1 and PPS1, PPS3 and PPS5. The balance of the considerations having regard to those policies is that permission should be granted.

_____(204811FP.SD)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It is situated to the south of Ware Road on the site of the Baker Street car park, within Hertford Conservation Area. As indicated, the site currently comprises a public car park site, constructed in the late 1960's. The site is 0.12 hectares in size, in the form of a tapering wedge shaped piece of hard surfaced land running east to west, narrowing to the eastern boundary. The site is currently within the ownership of East Herts District Council.
- 1.2 To the south west of the application site are single and two storey office buildings occupied by the Red Cross, with dedicated car parking.
- 1.3 To the north of the site are modern residential flats over two floors at first and second. The commercial unit Hertford Glass with associated commercial buildings faces the northern boundary of the site, with its open yard offering views through to the Ware Road.
- 1.4 An open culvert to the River Lee runs along the south boundary of the site, where a buffer zone of 8m of undeveloped land adjacent to the water course, remains in the control of the Environment Agency. Beyond the culverted watercourse are the service access road and buildings of the retail park, all enclosed by walling.

- 1.5 The application proposes a contemporary three storey building which will provide 14 young person housing units. Eleven of these will be two person bedsit units, the remaining three are mother and baby units. An additional three storey linked building will provide communal areas for training, office space and meeting rooms. Parking, communal open space, small rear gardens for the ground floor units, landscaping to boundaries, cycle storage provision, staff and visitor parking are all provided within the site.
- 1.6 The scheme is proposed by Aldwyck Housing Group to meet a particular need for accommodation for young people (aged between 16-25) in the district. The client base are those that generally lack other community or social support and are unable to provide for themselves in the open market. 100% of the provision is in the form of affordable units. The anticipation is that occupation here will enable clients to access training and employment and, after their time here, will be able to seek conventional residential accommodation. It is the lack of alternative support, rather than any social, physical or mental issues, that give eligibility for occupancy. This need is provided for in the largest town in the district, Bishop's Stortford, by the YMCA residential facility. Housing Officers have indicated that, whilst the need is less, there remains a need for a facility of this nature in the Hertford/ Ware area also.

2.0 Site History:

- 2.1 There is no planning history for the site, since its construction as a public car park in the late 1960's.

3.0 Consultation Responses:

- 3.1 Environment Agency comments that subject to further discussions regarding the re-grading and enhancements of the bank of the tributary to the River Lee at the rear of the site, the Agency has no objections. It suggests the imposition of conditions for maintenance access gates and fencing, with enhanced landscaping of the river bank.
- 3.2 Thames Water comment that the appropriate licences will be required in terms of surface water management, drainage, piling of foundations and discharge of groundwater, and groundwater permits will be required.
- 3.3 Police Liaison Officer notes that the applicant wishes to achieve Secured by Design accreditation and recommends that the development be conditioned to achieve at least Part 2 SBC accreditation.
- 3.4 County Minerals and Waste Section encourages the re-use of

unavoidable waste where possible and the use of recycled material where appropriate to construction and advises that a site waste management plan should be provided where relevant.

- 3.5 The Conservation Officer advises that, due to the location and topography there are few constraints associated with the site, those identified being environmental as a result of the water course and the surrounding conservation area. In considering the formal proposal against the pre-application scheme, the changes to the building in massing scale and design are welcomed. It is unfortunate the rear elevation facing the southern boundary and water course has lost its design rhythm, with the removal of the balconies, recessed elevations and the distinct use of colour to emphasise the vertical aspect of the building. The justification of the loss of these features is however recognised, but detailed design changes to improve the situation are improved. A full landscaping scheme should be encouraged for the immediate setting of the development to improve and enhance the wider character of the area.
- 3.6 Housing Development Officer fully supports the scheme, which is a much needed provision for young people in the district where associated support services are provided on site. The scheme provides 14 bed-sit units, 100% affordable housing units, which are well designed in terms of accommodation and shared facilities. The building is located in a central, key area providing excellent accessibility to employment training, facilities and services for the residents.
- 3.7 County Planning Obligations comment that following receipt of further correspondence as regards County Planning Obligation contributions, the Planning Obligations Officer would seek on behalf of Herts County Council a contribution of £1,064 (index linked) towards library services. However no contributions are sought towards childcare, youth, nursery, primary or secondary education.
- 3.8 County Fire Officer comment that in terms of access and facilities for the emergency and fire services due regard should be given to the appropriate regulations, the minimum weight capacity for access routes and that turning facilities should be provided on site where there is a dead end longer than 20m.
- 3.9 Council's Landscape Officer comments that the proposals comprise a rather cramped form of development which allows limited areas for planting directly around the building. The planting proposal for the rest of the site including the rear area is acceptable. Suggestions are made with regard to hard landscaping materials to improve the quality in terms

of visual aspect of the site on approach. On balance the development does make some positive contributions to the site. The officer recommends that the proposal be approved subject to landscape conditions.

- 3.10 County Archaeologist comments that the site is in an Area of Archaeological Significance No 172, and includes the site of the County and Borough Gaol which opened in 1770, and was in use until 1879. The site currently in use as a car park may be likely to have preserved archaeological remains and as the proposal has the potential to impact on heritage assets requires the imposition of a condition to provide for the level of investigation that the proposal warrants.
- 3.11 County Highways does not wish to restrict the grant of permission subject to conditions for the vehicle and pedestrian access to the development to be carried out in accordance with the plans submitted; parking to be laid out prior to the initial occupation; hard surfacing; surface water drainage and management and wheel washing.
- 3.12 Council's Property Services Officer comment that the site is located within Flood Zone 1, situated away from surface water inundation zones and there are no historic flood incidents recorded at the site. The development shows a decrease in the amount of impermeable areas being created with a consequent decrease in flood risk in the area, it is also noted the scheme refers to the use of sustainable drainage techniques such as permeable paving.

4.0 Town Council Representations:

- 4.1 Hertford Town Council object to the proposal. Whilst it is recognised that the car park may be under used at present, in a changing economic climate the future car parking land would be required. The design of the building was considered to be unimaginative and resembled a barrack building. The structure does not enhance the area or the conservation area and the industrial area of Mead Lane was considered more suitable, although it was acknowledged that a future retail use would not be appropriate.

5.0 Other Representations:

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 12 letters of representation have been received, the points raised in which can be summarised as follows:

- Loss of car parking will affect residents in the locality
- Loss of privacy to flats in Hampton House
- Exacerbation of current anti social activity in nearby car parking areas
- The value of property will decrease
- Commercial noisy site adjacent to site
- The car park is full when the Red cross have events
- At 3 storeys the building will block out light to Hertford Glass
- People will walk though the commercial site when yard is open which is hazardous
- Concern in relation to the status of potential residents and the impact safety and vulnerability of others in the area
- The proposal would increase anti-social behaviour by youth in the area
- Car parking understated
- There is inadequate parking provision for the Red Cross and WRVS, this proposal will make is worse.
- Design is out of character with the area
- Application is removing much needed car park
- Nowhere for family and friends visiting flats to park
- Increased noise and disturbance generally and while the building is being constructed

6.0 Policy:

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

SD1	Making Development more Sustainable
SD2	Settlement Strategy
SD3	Renewable Energy
HSG1	Assessment of sites not allocated in this Local Plan
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
TR1	Cycle Provision
TR2	Access to New Developments
TR7	Car Parking Standards
TR14	Cycling- Facilities Provision (residential)
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV18	Water Environment
ENV21	Surface Water Drainage
BH6	New Development in the Conservation Area

IMP1 Planning Conditions and Obligations

6.2 In addition, the following National policy guidance is relevant:

Planning Policy Guidance 1, Delivering Sustainable Development, Planning Policy Statement 3, Housing and PPS5, Planning for the Historic Environment.

7.0 Considerations:

In this case the main issues are considered to be:

- Principle of development
- Design, appearance, layout and landscaping
- Residential amenity
- Heritage assets
- Water environment
- Parking and access
- Planning Obligation issues

Principle of Development and Use

- 7.1 The location is within the boundary of the town as set out in the Local Plan. It represents a brownfield site having been in use for a considerable period of time as a car park. There can be no objection in principle to development at the site.
- 7.2 With regard to the particular type of use, the location would appear to be a very suitable one. It is proximate to the town centre, with all the supporting services and facilities that are provided there. Public transport access is very good enabling residents without cars to reside here but still be able to travel to services and facilities with relative ease.
- 7.3 Officers have considered the potential that the proposed use, if implemented, may subsequently lapse. It is appropriate to consider this because of the weight that is assigned to the particular use in this case and because abnormal costs are clearly evident in its running (on site training etc). It is clearly feasible that, in the future, these costs may not be sustainable.
- 7.4 Whilst it appears that the Council can exercise control through other means, its housing and land ownership functions, one can clearly foresee a situation where, if the use was to become abandoned, there would be considerable pressure to permit the reuse of the asset of the

building.

- 7.5 In these circumstances, the most feasible alternative uses appear to be either conventional residential units or office space. In either case, the only matter on which a different matter may then be taken, would be parking provision. This is because the particular demand circumstances may then change. Visual impact, impact on amenity and the impact on the other relevant issues including the water environment are considered to be unchanged.
- 7.6 Such a future use may be less desirable compared to that currently put forward. However, there is no suggestion that the use may cease in the future, this element of consideration is one only of speculation. Given that, and the limited additional impact any acceptable alternative development may have, it is not considered that any significant weight should be assigned to this possibility in a negative way.

Design, appearance, layout and landscaping

- 7.7 The proposed development will clearly have a significant impact on the appearance of the site and existing character of the immediate area. In place of the currently open, level car parking use a building will be present. The built form will utilise much of the site with a limited area of the site devoted to open space and parking uses. It will represent a high density form of development.
- 7.8 The buildings surrounding the site are not dissimilar in terms of their height and form. Hampton House and the other buildings to Ware Road to the north utilise almost all of their site areas with parking generally under or within the buildings. The building which contains the office use to the west, whilst it is one and two storey in height, is large in plan form. To the south, the units on the retail park are very large in scale, relief being provided only by the adjacent car parking areas. There is further parking to the west of the site and a small planted area adjacent to the walkway through from the retail area to Ware Road.
- 7.9 In terms of appearance, the office and communal use element of the building seeks to provide a focal point on the site. The strong horizontal aspects of the three floors of accommodation is softened and interrupted by the emergency stairwell and the front support facilities block. The proposed building is set back from Ware Road with views of the site provided through gaps in the existing frontage buildings. The structure is of a modern design, with coloured renders and modern fenestration patterns.

- 7.10 The use of the contemporary design and materials with the consistently applied fenestration pattern across the accommodation offset by the two lift and staircase vertical elements, in concert with the imaginative application of coloured renders, adds interest to the visual aspect and amenity of the whole building. It is sited in a locality which at present has the benefit of a variety of styles, design forms and architecture including historic terraced cottages and the notable 1920's Art Deco, listed Addis factory building further to the east of the site.
- 7.11 The general layout of the site provides for an efficient use of land, with the main access orientated to Baker Street and Ware Road. The main facilities block has been amended from the original submission, reduced in height in relation to pre-application submissions and with a more uniform pattern of fenestration introduced that relates well to the main horizontal emphasis of the accommodation block. The introduction of the glazed balcony element adds interest and makes a visual break on the prominent elevation viewable from Ware Road. The boundaries of the site, provide limited areas of hard surfacing and parking for staff and visitors broken into two separate areas.
- 7.12 Landscaping, albeit limited, can be introduced in these areas to soften the building. The comments of the landscape officer are noted. It is considered that this situation is not dissimilar to many in urban areas where the emphasis is to maximise the use of the site. Compared with its current appearance, although the potential for softening landscaping is limited, it is considered that the proposals represent a beneficial change.
- 7.13 In terms of renewal energy under policy SD3 the proposed development benefits from solar panels on the roof, providing a 10% carbon reduction in disposable energy use within the building and all flats are built to 'Lifetimes Homes' standards (HSG6) and fully DDA compliant.
- 7.14 Overall it is considered that the proposals represent an appropriate form of development for the site. It does represent a high proportion of built development to undeveloped uses of the site, but the open land adjacent to the watercourse does remain to the south. The appearance and design is considered to form an acceptable contemporary solution for development at the site. It is not considered that, in respect of these issues, the proposals do not result in any clear harm.

Residential amenity

- 7.15 It is appropriate to consider the amenity of both existing adjacent occupiers and potential new occupiers. The only adjacent existing

residential properties are located to the north, in Hampton House. At its closest the new building is probably only some 7m distant from that building. The distance between windows to residential properties in the Hampton House building and the closest windows to proposed residential uses, through which views could be had, was initially little more than 8m at their closest point. However, through revisions to the scheme these windows have now been amended to consist of high level windows only – through which viewing will not be possible under normal circumstances. This approach enables the kitchens and hallway areas to the three new units treated in this way to still have an element of natural lighting. It is considered that this approach still enables the prospective new occupiers to achieve an acceptable level of amenity because of the large southerly facing glazing to each unit.

- 7.16 Windows remain from the stairwell and views to the north can be had from the external access ways to the new units. It is considered that any residual impact as a result of these viewing locations can be overcome by obscure glazing (to the stairwell) or is such that it is acceptably distant and at an obscure angle (from the access ways). It is likewise considered that other areas to which views can be had (the areas of outdoor terracing for example at Hampton House) are at a sufficient distance or angle such that they are not harmfully affected.
- 7.17 The new build will clearly have an impact on the views to be had from the existing residential units in Hampton House. In place of the views over the car park, the new building will be prominent. As indicated, at its closest point it is 7m distant. The existing residential units are at first and second floor (in Hampton House). The impact then is more limited than it would be if the existing residential units were at ground floor. Whilst this is an urban location, where it should be anticipated that outlook would be limited, the scale and proximity of the new building must result in some overbearing and harmful impact on the occupiers of the existing Hampton House properties.
- 7.18 The applicants have provided shading diagrams which indicate that the new building will throw a shadow toward the existing residential units at Hampton House which is located to the north. That work is not precise enough to be able to determine what extent of shade will be imposed on the existing building and whether it will extend to a height that has an impact on the existing residential units at first floor and above. Judging from the information provided there is some reason to believe that it may do, particularly to the first floor level. Therefore, the proposals are likely to have a further harmful impact on residential amenity.

to them. The occupiers of the ground floor units (four) will be afforded a sitting out space of some 2.5m depth. Beyond that will be a communal space of a further 5m or so which is adjacent to the watercourse and which is required to be retained in open form for watercourse maintenance purposes.

- 7.20 This is an urban location where, conventionally, extensive personal amenity space would not be expected. The towns leisure and recreational facilities are located in close proximity to the site and the large Hartham Common public space is close by. Planning Officers also note, of course, the particular support for the proposal by the Councils Housing Officers who are probably better placed to assess the particular and most pressing needs of the client group.
- 7.21 The units will have the benefit of a southerly orientation with large areas of glazing on that elevation to all units. The views, of course, will be had over the surrounding townscape – the retail units to the south and its parking and servicing areas. However, in general terms, it is expected that a good level of amenity will be provided within the units with generous sunlight penetration.
- 7.22 In their responses, some existing residents have raised concern with regard to the potential for impact on amenity as a result of the lifestyle of the occupiers. Officers acknowledge that the occupants are young persons who have generally little draw on family and other conventional support. It is likely that lifestyles of the occupants will be less settled when compared to others in the community. However, the occupiers are identified as a category which is in housing need and has no basis to be treated more disadvantageously. The Council places significant planning policy emphasis on the provision of housing for those in need. There is an element of management to the proposal – both on site presence and through the assignment of tenancies – and it is considered that this is a suitable approach to ensure that any behavioural issues are dealt with.
- 7.23 In conclusion then with regard to these issues it is considered that the proposals will result in an element of harm – in terms of the prominent impact of the proposed building on the outlook from existing residential units and because of the possible overshadowing impact of it. Any new use here will clearly introduce an element of activity in place of the current parking of vehicles. It is considered that weight in harmful terms in relation to privacy impacts need not be assigned as these impacts can be overcome.

Heritage assets

- 7.24 The site is located within the Hertford conservation area. To the east is the listed former Addis factory building. Members will note that the Conservation Officer does not raise an objection to the proposals. The proposals clearly result in the introduction of a contemporary designed building into an area where, to the north, traditional designs currently prevail. However, wider views are limited in townscape terms and the proposals must represent a visual benefit when judged against the visual impact of the current car parking use.
- 7.25 It is considered that there is no harmful impact in relation to the nearby listed building or in relation to the character of the Conservation Area. The Council has a duty to ensure that this area is preserved or enhanced, and that is considered to be the case with this development.

Water Environment

- 7.26 The site is situated within Flood Zone 1, where there is no historic flood incidents recorded on the site. The proposed development is set back from the River Lee tributary to the rear boundary of the site, outside of the surface water inundation zones. The proposed development will result in a significant reduction in the amount of impermeable areas on the site with the consequential decrease in the risk of associated flooding to surrounding highway and properties. The proposal includes sustainable drainage measures, permeable paving and new areas of landscaping, in line with the provision of local plan policies ENV18 and ENV21.
- 7.27 Pre-application submissions anticipated the provision of green roof technology under the SUDs system. This does not now form part of the proposals. Despite this change, the proposals must be considered as beneficial in terms of the water environment. The access requirements of the Environment Agency are considered to be ensured by means of the parking provision condition suggested.

Parking and Access

- 7.28 In terms of the main location of demand for parking – for the town centre – the car park is peripheral. It is clear that the parking meets a localised need in terms of the adjacent office occupiers and existing residential uses. However, as a parking operator, the Council has made the decision that it is willing to give up the use through the land transfer. Clearly there will be inconvenience to those for whom the parking at the site is well located and for those who may currently use it outside of the

controlled hours and therefore are not identified as an element of demand.

- 7.29 The proposed development provides 11 parking spaces within the site curtilage in two locations. One of these spaces is compromised however in terms of depth such that it is probably appropriate to consider the proposals on the basis of 10 spaces. The site is designed to rely on limited car ownership, in a sustainable location with good access to alternative modes of transport. Parking provision on the site has been designed to accommodate mainly staff and visitors.
- 7.30 Cycle provision (18) is provided on site, and this further supports the reduction in parking provision for residents. Of the 6 parking spaces allocated on the western boundary close to the entrance, two spaces are allocated for disabled provisions. The Highways Authority has no objection to the proposal subject to the imposition of relevant conditions.
- 7.31 If the units were to be considered as conventional 2-bed units, the Councils parking standards would require the provision of 21 spaces as a maximum. If the proposed building were considered as a single unit in multiple occupation then 0.5 spaces would be the maximum required per tenancy unit – so 7 spaces. In addition, there is a requirement for some staff attendance at the building.
- 7.32 In summary it is your officers view that parking provision is likely to be adequate. Where demand may exceed supply nearby alternatives and parking controls are likely to be such that no unacceptable harm will be caused as a result.

Planning Obligation Issues

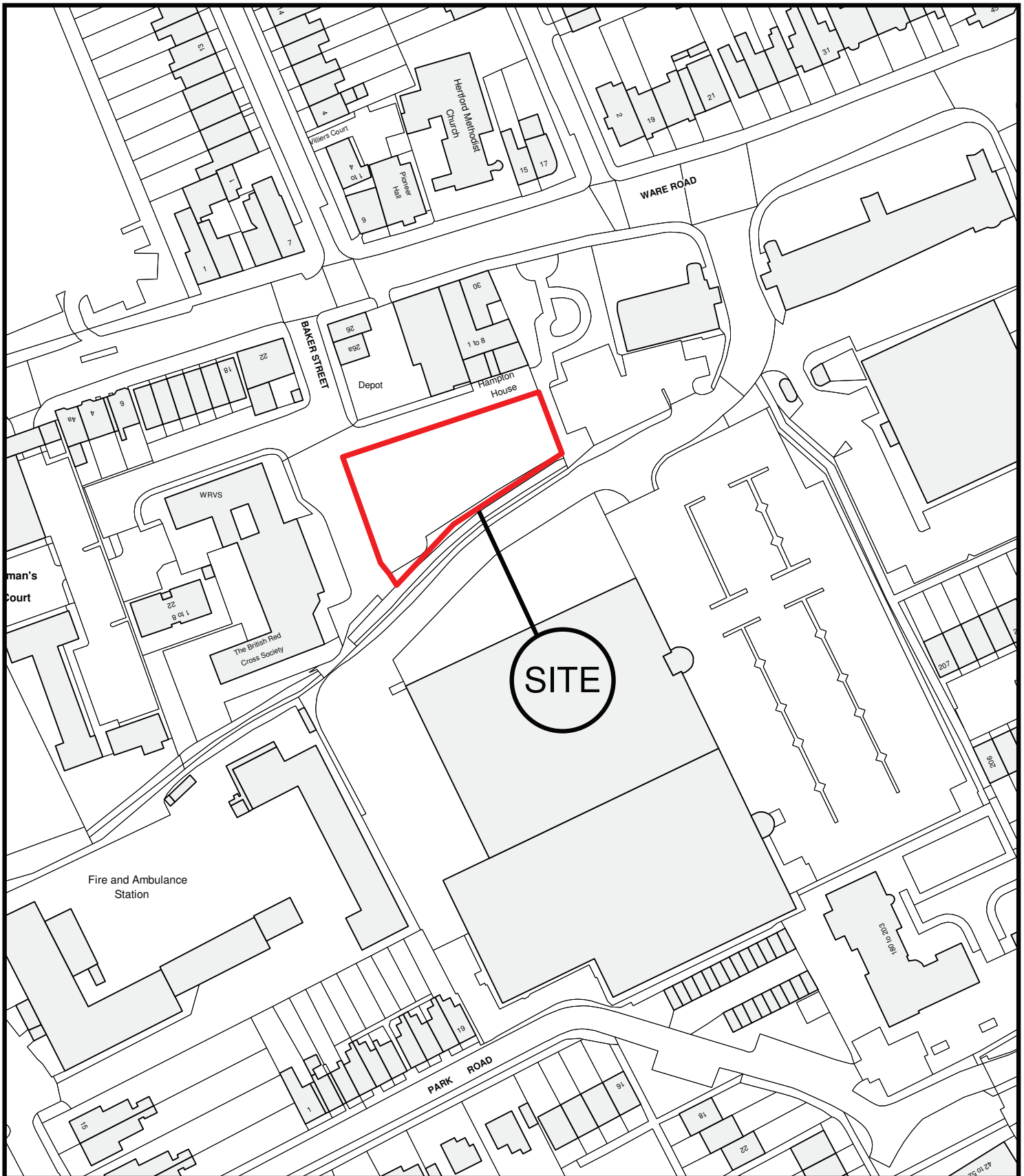
- 7.33 The Councils Supplementary Planning Guidance sets out that financial contributions would normally be sought to support service provision where a development in the urban area provides 10 or more new residential units (a major development). In this case, whilst 14 units are to be provided in total, they are not of a conventional form. As set out in the introduction, the client group are likely to be young persons who are already resident in the town or district. As a result, it is likely that demands on service provision are already being made in the locality and will not increase significantly.
- 7.34 The County Council has already recognised this situation by not seeking the normal range of contributions in relation to educational services. Whilst a library support contribution has been sought, your officers feel that this is not justified in this case, on the basis of the information set out

above. In addition, the contribution to be secured was modest in nature.

- 7.35 In a similar vein, it is not proposed that the requirements that this Council would normally place on development are appropriate here. Demands placed on public open spaces and leisure facilities are already likely to be evident. In addition, the development also proposes to meet a certain range of the needs of the occupiers within the functioning of the building – leading to less reliance on and demand for external services.

8.0 Conclusion:

- 8.1 It is considered that very significant weight can be attached to the demand that is being met by this scheme. The Council, as part of its strategy to meet housing need, has identified this particular demand as a deficiency for a number of years. The location is within an urban area identified in the Local Plan and therefore there can be no objection in principle. The proposals are beneficial in waterscape terms with regard to the improvements to the adjacent water course. However, limited weight is assigned to this.
- 8.2 In terms of the design and appearance of the building and the impact on heritage issues, it is considered that the proposals inject an element of contemporary design into the area but not harmfully so. Existing assets are at least preserved and the conversion from a conventional open car park to an element of built development can be argued to be a townscape benefit to the area.
- 8.3 In terms of harm, existing local residents are concerned with the loss of the existing parking provision, the visual and amenity impact of the building and the increased activity in the area. As set out in the report, these impacts are acknowledged.
- 8.4 No other significant harmful impacts of the development are identified and it is necessary then to weigh the need and benefit of the development against its impacts on residential amenity and car parking removal. In this respect it is considered that the provision of housing for the young person client group does outweigh the other issues to a significant extent and that planning permission should be granted. Your Officers recommend that the scheme be approved.



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East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ
Tel: 01279 655261

Address: Ehdc Car Park, Baker Street, Hertford, Herts, SG13 7HS
Reference: 3/11/2048/FP
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EAST HERTFORDSHIRE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE – 29 FEBRUARY 2012
ITEMS FOR REPORT AND NOTING

(A) APPEALS

Director of Neighbourhood Services
(Development Control)

Application number: 3/11/0628/FP
Recommendation: Permission refuse
Level of Decision: Delegated - 03-Jun-2011
Site: Sucklings Yard, Church Street, Ware, Herts, SG12 9EN
Appellant: F M Suckling Ltd
Prop. Change of use of B1 (office) to C3 (residential)
Development:
Appeal Decision Dismissed

Application number: 3/11/0886/FP
Recommendation: Permission refuse
Level of Decision: Delegated - 25-Jul-2011
Site: Ridgeons Ltd, 175, West Road, Sawbridgeworth, Herts, CM21 0BP
Appellant: Ridgeons Ltd
Prop. Erection of a new single storey portacabin office in the
Development: yard area.
Appeal Decision Dismissed

Application number: 3/11/1275/FP
Recommendation: Permission refuse
Level of Decision: Delegated - 08-Sep-2011
Site: 164, Cozens Road, Ware, Herts, SG12 7HX
Appellant: Mr Mark Rudd
Prop. First floor side extension, part garage conversion and
Development: rear dormer window.
Appeal Decision Dismissed

Background Papers

Correspondence at Essential Reference Paper 'A'.

Contact Officers

Kevin Steptoe, Head of Planning and Building Control – Extn: 1407.
Alison Young, Development Control Manager – Extn: 1553.

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Appeal Decision

Site visit made on 9 January 2012

by Gloria McFarlane LLB(Hons) BA(Hons) Solicitor (Non-practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 January 2012

Appeal Ref: APP/J1915/A/11/2162758

Sucklings Yard, Church Street, Ware, SG12 9EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by F M Suckling Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/11/0628/FP, dated 11 April 2011, was refused by notice dated 3 June 2011.
 - The development proposed is a change of use of 1 no. office unit to 1 no. 2 bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would conflict with local plan policy that is designed to retain land for employment purposes; whether the proposal would be compatible with the surrounding uses; and whether the proposal would provide appropriate living conditions for future occupiers.

Reasoning

3. Sucklings Yard is a complex of buildings and converted warehouses/workshops with open parking areas and the proposal relates to a completed extension to a two storey office building granted planning permission in 2010¹. At the time the application for the change of use was made, it would appear that the Appellant failed to provide any evidence that retention of the employment use had been fully explored as required by Policy EDE2 of the East Herts Local Plan Second Review 2007.
4. However, with the appeal the Appellant provided a letter from Estate Agents dated 16 September 2011 stating, among other things, that the building has been marketed since March 2011 but that no interest has been shown. In addition, the Appellant provided advertisements for the building dated May, June and September 2011. From the evidence I note that the application for the change of use was made, at most, six weeks or so after the building was marketed and it is therefore not surprising that, at that time, there was no evidence in accordance with Policy EDE2 of the Local Plan. However, I have to consider the circumstances as they are now and it seems to me that, in the current economic climate, a period of less than a year with no apparent consideration of the amount of rent being asked for the building does not

¹ Ref 3/10/1957/FP

amount to fully exploring the retention of the site for employment purposes as required by Local Plan policy.

5. At the time of my visit the other units in Suckling Yard appeared to be occupied by uses such as a nursery, a builder's office and a chiropractor. The site was congested with parked cars and other vehicles and there were a number of vehicles and people coming and going. It was also quite noisy, largely because of work being done to the adjacent supermarket car park. I appreciate that these works are temporary, but when the car park is in use there would be a certain level of noise emanating from it which could have an adverse effect on the occupiers of the building. In addition, the Yard is a commercial one and would, in my opinion be relatively busy and noisy at all times it was open, given the type of uses in the Yard, which would have an adverse impact on future occupiers' peaceful enjoyment of the building. I accept that the residential occupiers may not be in during the working day, but there can be no guarantee that this would be the case.
6. The building is located in the far corner of the site. Access to it is across what can be described as a car park for the various units and as I have noted above, this area is congested. There would be a small courtyard in front of the building, some 2m deep at the front door, but cars would be parked immediately adjacent to this courtyard and people would be coming and going all day to the units. The garden for the nursery is immediately opposite the building and would be likely to be a further source of noise and disturbance for the occupiers of the building when it was being used by the children. I consider that the courtyard would not provide a sufficient barrier for privacy and noise and disturbance so as to render the residential use appropriate.
7. The lounge window would look out onto the boundary of the site separated from the building by a grassed area about 2m wide and bedroom one would have a view over the supermarket car park. I do not consider that the outlook from these two windows would be inappropriate for residential use but the outlook from the kitchen window and bedroom two towards the Yard would be restricted and unattractive.
8. I do not know whether the Yard is open at weekends or at what time it closes and appreciate that when it is closed it could be quiet, but the location of the building in the corner of the site would be cramped and oppressive for residential use.
9. I appreciate that the Appellant considers that the residential use of the site would aid security at the Yard but, even if this was a planning consideration I could take into account, given the location of the building in the corner of site where it cannot be seen from outside the front gates and from which views of the gates are oblique at best, I do not see how residential occupation would achieve the required results.
10. The Appellant has suggested that the dwelling could form part of a live-work unit, however, this is not what has been applied for in this appeal and the letters from the two Estate Agents indicate that a residential letting on the open market is envisaged. Even if a live-work unit was proposed, the inappropriateness of the residential use I have found above would remain.
11. For the reasons given above and taking all other matters into account I conclude that the proposal would conflict with Local Plan Policy EDE2 that is

designed to retain land for employment purposes; that the proposal would not be compatible with the surrounding uses; that the proposal would not provide appropriate living conditions for future occupiers; and that the proposal would not comply with Local Plan Policy ENV1(d) which seeks to respect the amenities of future occupiers. I therefore conclude that the appeal should be dismissed.

Gloria McFarlane

Inspector



Appeal Decision

Site visit made on 13 January 2012

by **Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 February 2012

Appeal Ref: APP/J1915/A/11/2162221

Ridgeons Ltd, West Road, Sawbridgeworth, Hertfordshire, CM21 0BP.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ridgeons Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/11/0886/FP, dated 22 May 2011, was refused by notice dated 25 July 2011.
 - The development proposed is described as the erection of a new single storey Portacabin (sic) office in the yard area.
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Decision

1. I dismiss the appeal.

Procedural Matters

2. The appellant suggests in the grounds of appeal that the application is for a temporary building. The proposed building would have the appearance of a temporary building and be of a prefabricated design. It would not, as suggested by the appellant, be attached to any existing building, has been designed to be removable, would sit on an existing concrete surface and has no foundations (although from the application drawings it appears it would be bolted to the ground) or drainage. However, there is no indication on either the original application form or within the design and access statement (DAS) that accompanied the application that the building is only required for a temporary period. Indeed I note from the DAS that the building is required to relocate staff from the present office at the rear of the yard. Furthermore, the appellant advances no evidence as to the period of time that the building, if permitted, would be required.
3. Accordingly, I would agree with the Council's findings that the proposed office would appear to be for a permanent and necessary part of the business. I shall therefore consider this appeal, as the Council did the original application, on the basis that its use is permanent.

Main Issues

4. I consider that the main issues in this case are:
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- 1) firstly, whether the proposal would constitute inappropriate development harmful to the function and purpose of the Green Belt;
- 2) secondly, the effect of the proposed 'Portakabin' on the setting of the adjacent building, listed grade II; and
- 3) thirdly, if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, and if so whether very special circumstances exist necessary to justify the development.

Reasons

Development in the Green Belt

5. The appeal site comprises a range of barns, the largest of which is listed grade II, laid out around three sides of an inner courtyard, a two storey building (formerly a farmhouse) and a compound area set out with a number of tall storage racks. The whole site is in use as a builder's merchants, Ridgeons Ltd. The appellant wishes to site a Portakabin just inside the inner courtyard, in close proximity to the barns, to provide office accommodation.
6. Planning Policy Guidance 2: *Green Belts* (PPG2) contains a presumption against inappropriate development within the Green Belt. The construction of new buildings inside the Green Belt is inappropriate unless it is for one of the purposes set out in paragraphs 3.4 of PPG2, which, along with other things, includes for the purpose of agriculture or forestry, essential facilities for outdoor sport and recreation and the limited extension, alteration or replacement of existing dwellings. These provisions are reflected in Policy GBC1 of the East Hertfordshire Local Plan Second Review April 2007 (LP). The proposed office for use in connection with a builder's merchants does not fall to be considered under any of the stated purposes and therefore would constitute inappropriate development within the Green Belt.
7. Paragraph 3.2 of PPG2 advises that inappropriate development is, by definition, harmful to the Green Belt. I give substantial weight to the harm by reason of inappropriateness.
8. The most important attribute of Green Belts is their openness. The proposed Portakabin would, notwithstanding its size and location in relation to that of the existing buildings and storage racking on the site and limited views of it from outside the compound, nevertheless result in the introduction of an additional building that would reduce the openness. I therefore consider that the development would impact in a small but material way on the openness of the Green Belt. I give significant weight to the loss of openness.
9. The Council considers that the siting of the proposed Portakabin would result in substantive harm to the locality due to the potential for further operational development on the site. I appreciate that the appellant has given no indication as to the future use to which the vacated office space would be put. However, as the new floorspace would only amount to some 35.8 square metres, I anticipate that this would be unlikely to result in the significant increase in activity feared by the Council. I therefore give this consideration little weight.

Setting of listed building

10. The appeal site has the appearance of a former historic farmstead, with a range of barns and detached farmhouse, located alongside West Road that leads away from the settlement. Although there is a public house almost opposite the site, it is otherwise surrounded by open countryside. In addition to the use of the buildings in connection with the builder's merchants, the yard has been racked for the external storage of building materials. These storage racks are both numerous and tall and from some directions visually compete with the heritage asset which still retains a traditional agricultural appearance.
11. Although designed as a temporary structure, permission has been sought for the permanent siting of a Portakabin partially within the courtyard formed by the main and two projecting side barns. The proposed building is of an uncompromising modern utilitarian industrialised design and finish. In these respects it would, having regard to its permanence and location adjacent to the barn, cause significant harm to the setting of the heritage asset.
12. The use of the site, in particular the erection of storage racking, has had a pronounced effect on the original setting of the asset. Nevertheless, the addition of a Portakabin here would, in my judgement, further denude its significance.
13. I consider, therefore, that the proposed development would be harmful to the setting of the adjacent grade II listed building contrary to the objectives Planning Policy Statement 5: *Planning and the Historic Environment* (PPS5). I therefore assign substantial weight to this consideration.

Other Considerations

14. I shall now consider whether there are other considerations which, in this case, are sufficient to outweigh the harm from the development.
15. The appellant states that the new office is required in order to enhance customer service, security and safety as the present office is considered to be too remotely located. The Portakabin would be closer to the access from West Road and, because of the way the site is currently laid out, possibly more readily visible than the present office to visitors arriving. Nevertheless, the existing office is adjacent to the parking area, relatively close to the main entrance and although to my mind both identifiable and accessible, there are clearly, in my judgement, other ways in which these necessary attributes could be enhanced. Although the proposal relates to an established business, providing continued employment that has traded on the site for a number of years, I am not persuaded by the operational need for the new office and I therefore give this consideration little weight.
16. I conclude on this final issue that no other considerations have been put forward that clearly outweigh the harm by reason of inappropriateness, reduction in openness, and harm to the setting of the listed building that amount to very special circumstances necessary to justify inappropriate development as required by PPG2 and LP Policy GBC1.

Conclusions

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR



Appeal Decision

Site visit made on 12 January 2012

by **J A B Gresty MA MRICS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 January 2012

Appeal Ref: **APP/J1915/D/11/2165363**

164 Cozens Road, Ware, Hertfordshire SG12 7HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Rudd against the decision of East Herts Council.
 - The application Ref 3/11/1275/FP, dated 15 July 2011, was refused by notice dated 8 September 2011.
 - The development proposed is a loft conversion, first floor side extension and part garage conversion.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the locality.

Reasons

3. The appeal property is a two-storey semi-detached house of conventional appearance with a pitched tile roof and external brick cladding. It is situated in a mainly residential area; the immediate locality around the appeal property is characterised by two-storey semi-detached houses of broadly similar style and character.
 4. The development proposal includes conversion of the existing and the proposed side extension roof spaces, to create new bedroom and bathroom. To enable this, a flat-roofed dormer would be built on the back elevation of the roof. The dormer would extend along most of the length of the roof and would reach to just under the ridge of the roof. Consequently the dormer would appear very large in relation to the rest of the roof of the house. Its size and design would give rear elevation of the roof a box-like appearance which would stand out as a large and incongruous feature which would be at odds with the appearance of the host building and the other houses nearby, contrary to the design aims outlined in Policies ENV1 and ENV6 of the East Herts Local Plan, Second Review 2007 (LP)
 5. The main body of the proposed side extension would be of similar design to the existing building and its size would not dominate the appearance of the property. The development would maintain a visual gap between the appeal
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property and the neighbouring dwelling. Consequently, apart from the proposed rear dormer, the extension would be in keeping with the character and appearance of the host property and the locality as a whole. In this respect the proposed development would accord with the general thrust of LP Policies ENV1, ENV5 and ENV6.

6. There are other flat-roofed dormers in the area, including a prominent structure on the front elevation of the roof of 93 Cozens Road. However, the planning history of these other dormers is unclear and I can attach little weight to them in deciding this case. Each proposal must be considered on its own merits and the presence of a few large flat-roof dormers in the area near to the appeal property does not justify replication of this type of development if it would be harmful to the character and appearance of the area.

Conclusion

7. Although not in a prominent location at the back of the No 164, the proposed dormer would be visible from nearby houses and from the cul-de-sac to the south. Therefore, whilst I find that there are elements of the proposed development that would be acceptable, for the reasons given above, I conclude that the proposed dormer would be harmful to the character and appearance of the locality and that the appeal should be dismissed.

J A B Gresty

INSPECTOR

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(B) PLANNING APPEALS LODGEDDirector of Neighbourhood Services
(Development Control)

Application No:	Description Location	Decision	Appeal Start Date	Appeal Mode
3/10/1725/CL	Residential use of agricultural building and land Swallowfield Farm, Epping Green, Hertford, Herts, SG13 8NB	Refused Delegated	24-Jan-2012	Public Inquiry
3/11/0858/LB	Installation of 2no roof lights to front elevation and the removal of flue pipe Manor Farm Barn, The Ash, Little Hadham, Ware, Herts, SG11 2DD	Refused Delegated	01-Feb-2012	Written Evidence
3/11/1311/FP	Raise existing roof pitch and construct pitched roof dormer to rear of front 42, Hadham Road, Bishops Stortford, Herts, CM23 2QT	Refused Delegated	21-Feb-2012	Written Evidence
3/11/1352/FP	Use of land as a long stay gypsy caravan site for 2no. mobile homes and 1no. touring caravan with 1no. day room (retrospective) Plots 16-18, Esbies Estate, Station Road, Sawbridgeworth, Hertfordshire, CM21 9JE	Refused Delegated	20-Jan-2012	Public Inquiry
3/11/1482/FP	Alterations to walls at the entrance to the site - raise piers to 2.2 metres and walls to 1.9 metres in height	Refused Delegated	30-Jan-2012	Written Evidence

	Eston House, 81, Aston End Road, Aston, Stevenage, Herts, SG2 7EY			
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3/11/1492/FP	Construction of 9no.2/3 bedroom holiday lodges, office, larder and parking Pallett's Wood, Oaks Cross Farm, Hooks Cross, Watton At Stone, Hertford, Herts, SG14 3RY	Refused Committee	19-Jan-2012	Written Evidence
3/11/1507/FP	Single storey rear extension and extend above existing garage to create home office space in garage roof area. 1-Beanfield Cottages, Beanfield Road, High Wych, Sawbridgeworth, Herts, CM21 0LF	Refused Delegated	07-Feb-2012	Written Evidence
3/11/1495/FP	First floor extension, removal of a chimney stack, insertion of 3 no dormer windows to roof. Insertion of 2 no. rooflights. 46, High Street, Standon, Ware, Herts, SG11 1LA	Refused Delegated	25-Jan-2012	Written Evidence
3/11/1511/FP	Change of use of land to a private Gypsy and Traveller caravan site comprising 3 no. mobile homes,	Not Determined (appeal lodged) Committee	30-Jan-2012	Public Inquiry

	3 no touring caravans, associated, hardstanding and installation of septic tank - Retrospective Land north of The Old Coach Road, & being west of 12 Birch Green, Hertford, SG14 2LP			
3/11/1581/LB	Single storey rear extension 1-Beanfield Cottages, Beanfield Road, High Wych, Sawbridgeworth, Herts, CM21 0LF	Refused Delegated	07-Feb-2012	Written Evidence

3/11/1695/CL	Rear dormer window 8, Trinity Road, Ware, Herts, SG12 7DB	Refused Delegated	15-Feb-2011	Written Evidence
3/11/1706/FP	Conversion of existing outbuilding to create a one bedroom residential annex Amwellbury Farmhouse, Walnut Tree Walk, Great Amwell, Ware, Hertfordshire, SG12 9RD	Refused Delegated	08-Feb-2012	Written Evidence
3/11/1707/LB	Conversion of existing outbuilding to create a one bedroom residential annex. Amwellbury Farmhouse, Walnut Tree Walk, Great Amwell,	Refused Delegated	08-Feb-2012	Written Evidence

	Ware, Hertfordshire, SG12 9RD			
3/11/1737/FP	Front and rear dormer windows 31, Fore Street, Hertford, SG14 1DJ	Refused Delegated	06-Feb-2012	Written Evidence
3/11/1738/LB	Front and rear dormer windows, internal and external alterations and repairs 31, Fore Street, Hertford, SG14 1DJ	Refused Delegated	06-Feb-2012	Written Evidence
3/11/1754/OP	Outline consent sought with all matters reserved to construct new dwelling with associated garages and parking. Newbury Cottage, 135, Hadham Road, Bishops Stortford, Hertfordshire, CM23 2QD	Refused Delegated	27-Jan-2012	Written Evidence

NOTE: This report shows only appeals lodged since the last Development Control Committee agenda deadline.

Background Papers

None.

Contact Officers

Kevin Steptoe, Head of Planning and Building Control, Extn: 1407.

Alison Young, Development Control Manager, Extn: 1553.

Planning Appeals: Inquiry and Informal Hearing Dates

Public Inquiries:

Application Number	Location	Proposal	Hearing Date
3/10/1725/CL	Swallowfield Farm, Epping Green, Hertford	Claimed lawful development being residential use of land and buildings (and associated enforcement notice)	27 June 2012

Informal Hearings:

None.

Enforcement Appeals (where the matter does not relate to an associated planning or similar application which are set out above):

Ref number	Location	Development	Date
E/06/0155/A	Esbies Estate, Station Road, Sawbridgeworth	Various unauthorised developments and changes of use of land	Public inquiry reconvenes 28 Feb – 1 March, then 26 March, 2 April and 15 – 18 May 2012

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