



**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 7 JANUARY 2015  
**TIME** : 7.00 PM

**PLEASE NOTE TIME AND VENUE**

**MEMBERS OF THE COMMITTEE:**

Councillor Mrs R Cheswright (Chairman).  
Councillors M Alexander, D Andrews, E Bedford, K Crofton, G Jones,  
J Jones, P Moore, M Newman (Vice-Chairman), P Ruffles, N Symonds and  
G Williamson.

**Substitutes:**

Conservative Group: Councillors S Bull, G Lawrence, T Page and  
K Warnell.  
Liberal Democrat Group: Councillor M Wood.  
Independent Group:

*(Note: Substitution arrangements must be notified by the absent Member  
to Democratic Services 7 hours before the meeting).*

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## DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
  - must not participate in any discussion of the matter at the meeting;
  - must not participate in any vote taken on the matter at the meeting;
  - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
  - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
  - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
  - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
  - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
  - participate in any discussion or vote on a matter in which a Member has a DPI;
  - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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### **Audio/Visual Recording of meetings**

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

## AGENDA:

### 1. Apologies

To receive apologies for absence.

### 2. Chairman's Announcements

### 3. Declarations of Interest

### 4. Minutes – 10 December 2014

To confirm the Minutes of the meeting of the Committee held on Wednesday 10 December 2014 (Previously circulated as part of the Council Minute book for 17 December 2014).

### 5. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 7 – 10).

(A) 3/14/1583/FP – Erection of 22 houses including 13 open market and 9 shared ownership together with a new access off Dane O'Coys Rd, Bishop's Stortford for Grange Builders LLP and others – 'To Follow'.

*'Report to Follow'.*

(B) 3/13/0369/FP – Demolition of existing public house and erection of pub/restaurant with guest accommodation, car parking, landscaping and play area at The Jolly Waggoners, Widford Road, Much Hadham, SG10 6EZ for Sandhill Home Ltd\_(Pages 11 – 32).

Recommended for Approval.

(C) (a) 3/14/1594/FO – Variation of condition 2 (approved plans) of planning permission 3/12/1955/FP (the demolition of existing outbuildings and the renovation of the former Victorian school) to provide an additional 3 car park spaces to support additional classroom mezzanine level; and (b) 3/14/1593/LB – Installation of new timber and steel floor to form a mezzanine level within the existing building creating additional classroom space and addition of new painted metal railings and gates to match existing (modifications to 3/12/1956/LB) – amended position of stairwell and further amendment to mezzanine floor at Musley Infants School, Musley Hill, Ware, Hertfordshire, SG12 7NB for Musley Hill School Ltd\_(Pages 33 – 44).

a) 3/14/1594/FO; and b) 3/14/1593/LB – Recommended for Approval.

(D) 3/14/1799/FP – Erection of a new carport at 32 Bishops Road, Tewin Wood, Tewin, AL6 0NW for Mr E Ismail\_(Pages 45 – 52).

Recommended for Approval.

(E) E/13/0221/B – Unauthorised use of property as a Children's Home at Nutwood Cottage, West End Road, Wormley West End, Herts, EN10 7QN\_(Pages 53 – 66).

Enforcement.

6. Items for Reporting and Noting (Pages 67 – 82).

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

(B) Planning Appeals Lodged.

(C) Planning Appeals: Inquiry and Informal Hearing Dates; and

(D) Planning Statistics – ‘To Follow’.

7. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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## EAST HERTS COUNCIL

### DEVELOPMENT MANAGEMENT COMMITTEE – 7 JANUARY 2015

#### REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

#### PLANNING APPLICATIONS AND UNAUTHORISED DEVELOPMENT FOR CONSIDERATION BY THE COMMITTEE

WARD(S) AFFECTED: As identified separately for each application and unauthorised development matter.

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#### **Purpose/Summary of Report:**

- To enable planning and related applications and unauthorised development matters to be considered and determined by the Committee, as appropriate, or as set out for each agenda item.

<b><u>RECOMMENDATIONS FOR DEVELOPMENT MANGEMENT COMMITTEE</u></b>	
<b>(A)</b>	<b>A recommendation is set out separately for each application and unauthorised development matter.</b>

#### 1.0 Display of Plans

1.1 Plans for consideration at this meeting will be displayed outside the Council Chamber from 5.00 pm on the day of the meeting. An Officer will be present from 6.30 pm to advise on plans if required. A selection of plans will be displayed electronically at the meeting. Members are reminded that those displayed do not constitute the full range of plans submitted for each matter and they should ensure they inspect those displayed outside the room prior to the meeting.

1.2 All of the plans and associated documents on any of the planning applications included in the agenda can be viewed at:  
<http://online.eastherts.gov.uk/swiftlg/apas/run/wphappcriteria.display>

1.3 Members will need to input the planning lpa reference then click on that application reference. Members can then use the media items tab to view the associated documents, such as the plans and other documents relating to an application.

## 2.0 Implications/Consultations

2.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

### Background Papers

The papers which comprise each application/ unauthorised development file. In addition, the East of England Plan, Hertfordshire County Council's Minerals and Waste documents, the East Hertfordshire Local Plan and, where appropriate, the saved policies from the Hertfordshire County Structure Plan, comprise background papers where the provisions of the Development Plan are material planning issues.

Contact Member: Councillor M Alexander, Deputy Leader and Executive Member for Community Safety and Environment. [malcolm.alexander@eastherts.gov.uk](mailto:malcolm.alexander@eastherts.gov.uk)

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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS:

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	<p><b><i>People</i></b> – Fair and accessible services for those that use them and opportunities for everyone to contribute</p> <p>This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.</p> <p><b><i>Place</i></b> – Safe and Clean</p> <p>This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p> <p><b><i>Prosperity</i></b> – Improving the economic and social opportunities available to our communities</p> <p>This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p>
Consultation:	As set out separately in relation to each matter if any are appropriate.
Legal:	As set out separately in relation to each matter if any are appropriate.
Financial:	As set out separately in relation to each matter if any are appropriate.
Human Resource:	As set out separately in relation to each matter if any are appropriate.
Risk Management:	As set out separately in relation to each matter if any are appropriate.
Health and wellbeing – issues and impacts:	As set out separately in relation to each matter if any are appropriate.

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# Agenda Item 5b

**3/13/0369/FP – Demolition of existing public house and erection of pub/restaurant with guest accommodation, car parking, landscaping and play area at The Jolly Waggoners, Widford Road, Much Hadham, SG10 6EZ for Sandhill Home Ltd**

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**Date of Receipt:** 26/02/2014

**Type:** Full – Minor

**Parish:** MUCH HADHAM

**Ward:** MUCH HADHAM

## **RECOMMENDATION:**

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

1. Three year time limit (1T121)
2. Approved plans (2E103)(200, TS12-158A/1 A, 220 A, 074/SK02 C, 074/SK01 E, 230 C, 231 B, 232 B, 233 C, 234)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted development) Order 1995 (as amended), the building shall be used solely as a public house and restaurant with ancillary guest accommodation in accordance with the details submitted with the application.

**Reason:** To ensure that the development continues to provide a valuable community facility in the interests of encouraging social and economic sustainability; and to ensure that no alternative use is made of the premises which would be detrimental to the amenities of nearby residents or the character and appearance of the area in accordance with policy ENV1 of the East Herts Local Plan April 2007.

4. Levels (2E05)
5. Materials of Construction (2E11)
6. Programme of archaeological work (2E02)
7. Prior to the commencement of any development, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;

- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To minimise impact of construction process on the on local environment and local highway network.

8. Lighting details (2E27)
9. Landscape design proposals (4P12)
10. Landscape works implementation (4P13)
11. External details of extraction equipment (2E37)
12. Prior to the first use of the development hereby approved, the access arrangements including visibility splays and the parking spaces and vehicle manoeuvring area shall be completed in accordance with the approved plans, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety.

13. Prior to first use of the development hereby approved, the road markings as shown on drawing 074/SK02 C shall be implemented and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

14. Prior to the commencement of any above ground works, detailed plans of the southern access radii together with detailed plans showing the width and materials of construction of the pedestrian footway fronting onto Widford Road shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

**Directives:**

1. Street Naming and Numbering (19SN)
2. Highway works (06FC2)
3. Groundwater protection zone (28GP)

**Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the material considerations in this case is that permission should be granted.

\_\_\_\_\_ (036914FP.MP)

**1.0 Background**

- 1.1 The application site is shown on the attached OS extract and forms the site of the Jolly Waggoners public house. The site is accessed off the B1004 and has an area of around 0.74ha. To the front of the site is the existing public house building and a large area of hardstanding. To the rear of the public house is a smaller outbuilding. Beyond the buildings, and to the east of the site, the land slopes down towards the River Ash. There are various trees and landscape features to the north, south and eastern boundary of the application site. The frontage of the site with the road is generally open.
- 1.2 The building was last used as a public house in 2010, owned by McMullen brewery. From 2010 until 2013, when the applicants purchased the site, it was the subject of marketing – a period of around three years. Very little or no work has been undertaken to the building or site during that time and it now appears tired in appearance and is overgrown with vegetation. There is a temporary security fence to the front of the site also.
- 1.3 The site is not within the boundary of the category one village of Much Hadham and is therefore within the designated Rural Area beyond the Green Belt as defined in the Local Plan. The building is, however

around 300metres from the southern edge of the category one village of Much Hadham and can be accessed by the B1004 or by the footway adjacent to the road. The building is also not listed and not within the Conservation Area.

- 1.4 The nearest neighbour to the application site is Ivy Cottage, around 20 metres to the south – beyond that neighbour is a further collection of residential properties which are located on the western side of the B1004. To the north of the application site and at a distance of around 50 metres is Ash Cottage.
- 1.5 The planning application follows from the withdrawal of a previous application at the site under LPA reference 3/12/2136/FP. That application was withdrawn following concerns raised by Officers in regards to a number matters relating to the design and justification for the proposed development.
- 1.6 After the withdrawal of that planning application the applicant engaged with Officers through the Councils pre-application processes. As well as those pre-application discussions the applicant engaged with the wider community through public consultation. Public exhibitions regarding an amended scheme took place in early July 2013 and late August 2013 in Much Hadham.
- 1.7 This current planning application being considered by Members was registered on 26 February 2014. Public consultation took place in respect of the plans initially submitted with the application. However, after the initial public consultation and Officers consideration of those plans submitted with the application, concern was raised by Officers that the previous issues raised in relation to the previously withdrawn planning application (3/12/2136/FP) had not been fully addressed.
- 1.8 Rather than withdrawing the planning application and, being proactive in its considerations and processes of the planning application, Officers, in agreement with the applicant agreed an extension of time to the application, to allow further discussion and consideration of an amended scheme. Amended plans were received formally by the Council on 31 October 2014. A full period of public consultation then took place with the local community and consultees, which expired 04 December 2014. Members are now being asked to consider the amended scheme.

1.9 **Site History**

2.1 The relevant planning history relating to the site is as follows:  
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### 3/14/0369/FP

- 3/76/0428 – Conversion of 2 cottages into restaurant, extensions, demolition of shed and erection of garage (approved with conditions)
- 3/87/2268/FP – Conversion of former residential area to form bed and breakfast accommodation in conjunction with public house
- 3/12/2136/FP – Demolition of existing public house and erection of 1 no. new restaurant (A3) and 14 no. guest hotel rooms (C1) – change of use from A4 (Drinking establishment) to a combination of A3 and C1 (withdrawn).

### **3.0 Consultation Responses**

- 3.1 Affinity Water comment that the site is located within the Groundwater Source Protection Zone of Hadham Mill Pumping station and all development should be carried out in accordance with British Standards and best management practice to reduce the risk to groundwater.
- 3.2 Environmental Health recommend planning permission be granted subject to conditions requiring information relating to extraction and filtration equipment.
- 3.3 The Historic Environment Unit comment that the site abuts Area of Archaeological Significance No 287, as identified in the Local Plan which includes cropmarks (visible on aerial photographs) of a probable plough-raised burial mound of Neolithic or Bronze Age and a large enclosure with internal features, of unknown date. In recent years metal detector finds of Roman date, including coins and horse harness fittings, are known to have been made in this field. As yet the numerous finds reported to the Portable Antiquities Scheme comprise coins, buckles, tags and strap fittings, mounts, and tokens of Roman, medieval and post-medieval date.

The Historic Environment Unit Unit consider that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and that it is therefore necessary and reasonable to require further archaeological work through a planning condition.

- 3.4 Hertfordshire County Highways did not object to the initial scheme submitted with the planning application and comment that they do not wish to restrict the grant of planning permission in respect of the amended scheme, subject to planning conditions.

The Highways Officer comments that there are access, public footway and boundary issues and recommends planning conditions to address these issues relating to the provision of a widened public footway on Widford Road fronting the application site and an increase in the width of the radii of the southern proposed access.

The access to the site has been moved to the north of the site and road markings on Widford Road should be required through a planning condition to improve the safety of vehicles waiting to turn right into the development on approach from the south.

The Highways Officer recommends that consideration be given to modifying the layout to provide a more pedestrian friendly route to the building entrance for pedestrians walking to the site.

Finally, the Highways Officer comments that feedback from third parties has been received in relation to parking matters and the Local Planning Authority should ensure adequate parking is provided in accordance with the adopted SPD.

#### **4.0 Parish Council Representations**

- 4.1 Much Hadham Parish Council objected to the scheme previously submitted with the planning application and object to the amended scheme which supersedes that previously submitted.

The Parish Council consider that the proposed development is contrary to rural area policy and is an inappropriate form of development which is overbearing in the village setting and does not enhance the village.

The traffic movements associated with the development are excessive and insufficient parking provision has been provided which will lead to a harmful rise of on-street parking. The site is not well served by public transport.

The proposed development will lead to an increase of flood risk and development should ensure no conflict with ground water protection. Insufficient information has been submitted to assess the sewerage to the site.

The proposed development will result in a harmful level of noise and light pollution to the surroundings and neighbour amenity.

The proposed development is not sustainable and there is conflict with policy OSV8 of the Local Plan in relation to development within the



category one village.

The development is contrary to draft District Plan policy VILL6 as the scale is not appropriate to the village and does not contribute to the character of the village resulting in harm to neighbour amenity.

## **5.0 Other Representations**

- 5.1 The applicant submitted, with the planning application, a petition with 94 signatures. Various supportive comments are made with the signatures on the petition including the need to improve the appearance of the site; the need for pubs and accommodation in the area and job creation. The petition is signed both by local residents and residents of the surrounding villages and villages elsewhere in the District.
- 5.2 Within the initial public consultation of the planning application which was the subject of press notice, site notice and neighbour notification, 18 representations were received in support of the application and 90 representations were received in objection.
- 5.3 With regards to the amended plans submitted in October 2014 and which are now subject to consideration by Members and which was also the subject of press notice, site notice and neighbour notification, 39 representations in support of the application have been received and 61 representations in objection have been received.
- 5.4 The correspondence received in support of the application can be summarised as follows:
- The provision of a pub in the village will provide a facility for the community;
  - Development will improve the visual amenity of the site on the southern entrance to the village;
  - Job creation for local people;
  - Positive impact on existing village amenities including the village shop, museum, garden centre and golf courses;
  - The previous pub on the site and the Old Crown closed as their small size made them unviable – it is reasonable to assume that any replacement may need to be larger to offer additional facilities to make it successful;
  - Improved ingress/egress into the site;
  - Scale of development is appropriate for the size of the site;
  - External design is appropriate and pastiche design should be avoided.

5.5 The correspondence received in objection to the application can be summarised as follows:

- Inappropriate form of development in the rural area;
- Increase in traffic movements through the village;
- Ingress/egress on a dangerous bend – impact on highway safety;
- Inadequate parking leading to harmful on-street parking;
- Scale of building will lead to harm to rural character of site and surroundings;
- Design is unsympathetic and out of keeping with the site and surroundings
- Light pollution;
- Impact on neighbour amenity in terms of noise and general disturbance;
- Change in levels on the site will lead to the building appearing dominant in the setting;
- Inadequate provision for sewerage;
- Site is not properly accessible by sustainable modes of transport;
- The transport impact associated with the development will be severe in terms of traffic movements;
- Dangerous egress/ingress into the site on a bend in the road;
- Concerns regarding the validity of viability information submitted with the application – the development is high risk.

## **6.0 Policy**

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

SD1	Making Development More Sustainable
GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC14	Landscape Character
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR7	Car Parking – Standards
TR12	Cycle Routes – New Developments
TR14	Cycling – Facilities Provision (Residential)
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development

ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
STC8	Local Centres and Rural Provision
LRC11	Retention of Community Facilities

6.2 In addition to the above the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are also a consideration in determining this application. Members will be aware that, due to the draft nature of the District Plan, limited weight can currently be applied to its policies.

## **7.0 Considerations**

7.1 The main issues to consider in respect of the proposed development having regard to relevant policies of the East Herts Local Plan Second Review April 2007 and the NPPF, will be:

- The principle of the proposed development (policy GBC2/GBC3);
- Whether the proposal represents a sustainable form of development having regard to the environmental, economic and environmental dimensions of sustainability (NPPF);
- Impact on the character and appearance of the surrounding area (policy ENV1; NPPF)

### The principle of development

7.2 The site is located within the Rural Area beyond the Green Belt and is not within the boundary of the category one village as set out in the East Herts Local Plan Second Review April 2007. The demolition of the existing buildings on the site and their replacement with a pub building therefore represents a departure to Rural Area policy in the Local Plan and, as recognised by the Parish Council, represents an inappropriate form of development in the Rural Area.

7.3 However, the NPPF is a material consideration in the decision making process of planning applications and it sets out that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless, any adverse impact of doing so would significantly and demonstrably outweigh the benefits

when assessed against the policies in the Framework as a whole.

- 7.4 Policy GBC3 of the Local Plan is considered to be generally in conformity with the Framework. However, paragraph 28 of the NPPF does state that to promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.
- 7.5 The proposed development incorporates the provision of a new building for a rural business in accordance with para 28 of the NPPF and the Council are therefore required to consider whether there are any adverse impacts and whether they significantly and demonstrably outweigh the benefits of the proposed development.
- 7.6 Before commenting on that requirement of the NPPF, it is acknowledged by the Parish Council that the draft District Plan has been released. Policy GBR2 of the draft District Plan allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces in accordance with Policy HOU8. Policy HOU8 requires that replacement building be in the same use, be no more visually harmful to the surroundings than the existing building and be well designed. However, as Members are aware, the draft District Plan is at an early stage of the process and as such limited weight can be attached to the policies within it.

#### Economic development and viability

- 7.7 With regards to the economic dimension of the proposed development, this will provide short term economic benefit in terms of the initial building works associated with the proposed development. In the medium to long term, there are advantages associated with job creation which, the applicant has indicated will be around 20 jobs. The proposed development therefore has benefit in terms of addressing the economic dimension of sustainable development. However, viability is material to the determination of this application (as required in para 173 of the NPPF). An economic form of development, including the provision of pub/restaurant/inn use, must be sustainable in the long term and it is important to consider whether the design of the development will give the opportunities for the business to succeed.
- 7.8 Viability information has been submitted with the application which some third parties are particularly critical of. The applicant comments that the relationship between the size of the building and viability is an

important consideration. The applicant comments that it is difficult to be precise regarding this relationship but a pub/restaurant is not guaranteed to succeed as a business as a result of being large but its failure is more likely if the building is too small.

- 7.9 The applicant comments that they have sought to provide a mixed use of pub, restaurant with guest rooms to give the business the best opportunity to succeed. In addition to spaces dedicated for those uses, the applicant seeks a large space which can be adapted to be used for more than one purpose, including a coffee/lounge area, with generous spacing and furniture which seeks to provide a pre-lunch/post-lunch space reflecting the coffee bar culture.
- 7.10 The applicant comments that there are many factors which can affect a project as is proposed including new competition, changes in legislation, interest rates and the general economic climate and the proposal is therefore a high risk investment. Nevertheless, based upon the information available, a profit and loss forecast has been submitted by the applicant which, insofar as these matters can be predicted, indicates that the proposed building would be an economically viable venture. The viability information also indicates that, as a public house use alone, this would not be financially viable and it is the mixed use nature of the development which makes the scheme viable.
- 7.11 From the information available Officers are of the opinion that sufficient information has been submitted to indicate that the proposed development is a viable business proposition. The building is of a scale which will allow an appropriate space for restaurant/business use and guest rooms above. The floor areas of the proposed building will allow the business to adapt and evolve to local requirements and help to ensure the success of the business. The development is therefore considered to represent a sustainable economic form of development to which weight should be attached in the decision making process.

Provision of a community facility – the social dimension

- 7.12 With regards to the social dimension of sustainable development, the NPPF encourages new development consisting of public houses and sets out the role planning can have in promoting a healthy community. Para 70 of the NPPF encourages the delivery of social and recreational facilities the community needs by planning positively for the provision of community facilities including public houses. Such a policy approach is consistent with policy LRC11 and STC8 of the Local Plan which seek to protect against the loss of such community facilities.

7.13 From the letters in support of the application it is clear that there is a demand and desire from the Community that the development of the site to provide a community facility and service is welcomed. Furthermore, the majority of those in objection to the planning application wish to see a replacement public house building on the site but raise concerns with the scale of development, which Officers address below. In any event and, setting aside the scale of development, the provision of a community facility in the form of a public house is a material consideration which must weigh in favour of the development proposal.

Environmental dimension

7.14 The environmental dimension of sustainable development encompasses a range of planning considerations which are relevant to this application. The main issues are considered to be:

- Whether the proposed building is of an appropriate size, scale, form and design in the context of the site and rural surroundings;
- Whether the site is sustainably located in transport terms;
- The impact on highway safety, access and traffic levels;
- Whether appropriate levels of parking provision are provided;
- Neighbour amenity impact.

Character and appearance

7.15 There are no public rights of way to the south of the application site and no direct views of the application site in this regard. There is a footpath to the north of the application site and beyond Ash Cottage which follows an eastern direction to towards the River Ash. However, the site is not particularly visible from that footpath by virtue of the distance between the footpath and buildings of Ash Cottage. There is a public right of way to the east of the site – a bridleway runs from the southern part of Much Hadham following the eastern bank of the River Ash and heading south. However, views from that public right of way and further to the east of the application site are considered to be limited. The main consideration therefore relates to the impact from Widford Road, wherein the site is highly visible.

7.16 The existing pub building on the site forms a relatively close relationship and presence on the road frontage. The building is of traditional design with red bricks, slate pitched roofs. The building has an interesting form which is reflective of the mixed character of built form in the wider setting of Much Hadham.

- 7.17 Whilst the building is of dilapidated appearance, this appears as a relatively recent occurrence through lack of proper maintenance of the building. This said, the existing appearance of the building and overall site is poor in visual amenity terms and the opportunity to improve the appearance of the site through redevelopment must be seen as a positive aspect of the application, which is recognised by third party representations.
- 7.18 The proportions and design of the building has evolved through the withdrawal of the 2012 application and through the plans originally submitted with this application. To put the current development into context in terms of footprint; the existing pub building and outbuilding occupy a footprint of around 220 square metres. The development as proposed in the withdrawn 2012 scheme (LPA reference 3/12/2136/FP) had a footprint of around 730 square metres. The footprint of the scheme as originally submitted with this current planning application is approximately 580 square metres and the amended scheme, which is now being considered by Members is around 550 square metres. There is a significant increase in footprint from that as existing to that now proposed, but the footprint is significantly less than was originally submitted in the 2012 planning application.
- 7.19 In assessing both the footprint and floor area of the existing building compared to that as proposed, the proposal is considered to be materially larger. It is nevertheless important that Members take into account that there is no requirement in para 28 of the NPPF or elsewhere in the NPPF to consider whether or not a new or replacement rural building for business purposes is materially larger – such a consideration would go beyond the scope of the NPPF and the Development Plan.
- 7.20 Since the withdrawal of the 2012 planning application, the applicant has sought to reduce the scale of the building. What is important to consider is whether the building as currently proposed, compared to that as existing and, having regard to the character of the rural site and surroundings is acceptable.
- 7.21 The existing pub building is located around 3 metres to the east of the main road and is of an overall size and design such that it forms a prominent position in the road which will attract attention in the approach to the village from the south and in exiting the village from the north. The building is nevertheless of a proportion and siting such that it is not dominating of the street frontage but which maintains an openness between the north elevation of the building and the northern boundary. The building is also of traditional design and materials of

construction such that it assimilates well with the character and distinctiveness of the local built environment.

- 7.22 In elevation terms the proposal is formed of one central two storey building and a flat roofed ground floor projection to the southern elevation. The two storey building has a frontage of 17 metres which is comparable to the width of frontage of the existing 2 storey building which is around 16.5 metres. The proposed two storey building does however have a higher roof ridge line than the existing building by around 1.5 metres and has a continuous ridge and eaves line whilst the existing building is broken up through a stagger to the ridge line. In addition, the proposed development incorporates a ground floor flat roofed projection which projects around 12 metres to the south which creates quite a wide frontage in comparison to the existing building. However a spacing of around 19 metres to the southern boundary and around 30 metres to the northern boundary is retained in the proposed development.
- 7.23 The width of frontage of the proposed building, its siting and set back nature means that, in comparison to the existing building, the proposal will likely result in a development which has a greater level of presence in the street scene compared to the existing building. However, given the width of the site and siting/proportions of the proposed building and set back nature of the building, a degree of spaciousness is retained within the site.
- 7.24 The greater level of presence of the building within the street for the pub/restaurant use must be considered as a benefit in terms of the buildings ability to draw in passing trade from the road frontage. This is a key feature of the existing pub building which is located in closer proximity to the road than the current proposal. Furthermore, the building is one of the first buildings on the eastern side of the B1004 which will be viewed on approach to the village from the south and it is important that the building has some distinctive features which mark this gateway.
- 7.25 Councils are required in the NPPF to have regard to good quality design and not to attempt to impose architectural styles or particular tastes (para 60 of NPPF). The NPPF advises that it is proper to seek to promote or reinforce local distinctiveness.
- 7.26 The form and proportions of the proposed building are, in Officers opinion, of traditional design. Setting aside the fenestration of the two storey building, the roof design, materials of construction (including boarding and tiled roof) and parapet wall together with the chimneys



create a proportion of building which, in Officers opinion, reflects the form and design of other traditional buildings in the surroundings. The use of fenestration and extensive glazing to the ground floor element and the flat roofed ground floor projection set the building apart from the otherwise traditional character. The fenestration in particular is of contemporary styling which, although different to more traditional window styles, is not considered to be harmful. The extensive use of glazing at ground floor serves to create a viewable area and activity to the front of the building which will serve to enhance the vitality of the building as a community facility. The overall proportions, design and material of construction of the building is considered therefore to be high quality.

- 7.27 In comparison to the existing building on the site, the proposed building will, by virtue of its siting and scale, have a greater level of presence and impact from the street and the surrounding rural countryside. The overall proportions and design of the proposed building is however considered to be acceptable in terms of the impact of the building from the road and surrounding rural countryside location.
- 7.28 Criticism has been leveled at the scheme in terms of the ability to, potentially extend the building over the proposed ground floor projection. Officers note the concerns raised but consider that the application can only be determined on the basis of the plans and drawings submitted.

#### Accessibility

- 7.29 The NPPF places importance on the need to ensure that development is located in sustainable locations to ensure that reliance on private motor vehicles is reduced and that opportunities for sustainable modes of transport are maximised.
- 7.30 As noted above, the site is located around 300 metres to the southern boundary of Much Hadham. Much Hadham is however a long narrow village with built development following the B1004. As such, the application site is over 2km to the northern boundary of the village. However, there is a concentration of residential development on the more modern development of Windmill Way, Station Road and Ash Meadow which are towards the south of the village. The proposed development is therefore within appropriate walking distances to the southern part of the village.
- 7.31 There are also opportunities for cycling to the application site from Much Hadham and surrounding nearby villages and the development

incorporates the provision of cycle storage facilities to accommodate this.

- 7.32 There is a bus route which passes through Much Hadham and the application site is within reasonable walking distance of that sustainable mode of transport. As noted by the Parish Council, the bus route does not operate on a Sunday which must also be balanced into the consideration.
- 7.33 Whilst mindful of the deficiencies in public transport, the application site is nevertheless considered to be in a sustainable location within reasonably good access for walking and cycling.

#### Highways and parking

- 7.34 Representations to the planning application from third parties and the Parish Council are critical of the impact of the proposed development on the existing highway infrastructure and the lack of parking serving the proposed development. Third parties are particularly concerned with the information in the transport statement which accompanies the application which indicates that there will be around 177,000 traffic movements to the development per annum. Third parties consider that inadequate levels of parking to the proposed development are provided which will lead to harmful on-street parking along Widford Road. On-street parking will result in a highway safety issue and harm the free flow of traffic. Third parties are also concerned with the access arrangements to the site on a dangerous bend in the road.
- 7.35 The application is supported by a Transport Statement which has been reviewed by the County Highways Authority who raise no objection to the development in terms of highway safety, access, traffic levels or parking.
- 7.36 The access into and out of the site is considered to be acceptable with appropriate visibility splays to both the north and south. The Highways Officer recommends a planning condition relating to road markings which, in the interests of highway safety is necessary and reasonable.
- 7.37 The Transport Statement assesses the proposed development having regard to baseline traffic conditions based upon an automated traffic counter which was installed on Widford Road and, based on the TRICS database of assessing existing uses with a similar characteristic to that proposed in this application.
- 7.38 The data collected by the automated traffic counter indicates that during the 7 day period the counter was in place that there were a total of

11,331 traffic movements into the village from the south and 11,788 traffic movements out of the village heading south. As an average, over 7 days, there is therefore 1619 traffic movements northbound and 1684 traffic movements southbound (3303 in total). Any development proposal should therefore be assessed in that context.

- 7.39 Using the TRICS database, the Transport Assessment sets out that the development will create in the order of 486 additional vehicle trips (both northbound and southbound) in one day which, as recognised by third party representations, is around 177,000 traffic movements over one year.
- 7.40 However, those additional 486 traffic movements must be firstly considered in the context of the existing daily traffic movements along Widford Road – (which the data indicates is around 3303) and secondly, that the 486 traffic movements are spread throughout the day. The TRICS database indicates that there will be very limited traffic movement associated with the development in the peak morning period (which is to be expected given the use proposed) and that there will be a peak of 50 traffic movements between 13:00PM and 14:00PM and 45 traffic movements between the peak evening period of 17:00PM – 18:00PM.
- 7.41 Officers acknowledge that, when considering the *total* number of traffic movements over a year (177,000), this appears as a very significant number and Officers would acknowledge third parties concerns in respect of this. However, having regard to the existing lawful use of the site as a pub where a degree of traffic movements would be expected, the base levels of traffic movements in an average day together with the increase in traffic movements which will be spread over the day, as set out in the Transport Assessment, Officers consider that the increase in traffic levels will not be to such an extent as to represent a severe impact, which is the test in the NPPF.
- 7.42 Turning to parking levels, policy TR7 and Appendix II of the Local Plan set out maximum standards for parking which, for restaurant/pub use is based on floor area and, for guest rooms is on a room basis. Having regard to the floor area of the proposed bar and restaurant element of the development, there is therefore a maximum requirement in the Local Plan for the provision of 80 parking space and, for the guest rooms, 8 spaces. Cumulatively, there is a maximum requirement for 88 parking spaces, excluding staff parking. When staff parking is taken into consideration, a maximum of around 100 parking spaces should be provided. Third parties and the Parish Council do not consider that the provision of 50 parking spaces is adequate and Officers acknowledge

that the level of parking does fall below the maximum standard.

- 7.43 This said, the parking standard is a maximum and it is for the Council to assess whether, having regard to the nature of the development and its siting, such a level of parking is appropriate.
- 7.44 The NPPF sets out that if setting local parking standards for development, local planning authorities should take into account: the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.
- 7.45 Officers have set out above the view that the development is within walking distances to the village, which would encourage walking to the site and is accessible by buses (except for evening times and Sundays) and is also accessible by cycle. The site is therefore considered to be reasonably accessible by sustainable modes of transport. However, Officers also acknowledge that the development will likely attract customers outside of the immediate vicinity of the Much Hadham locality and there is therefore likely to be some reliance on use of private vehicles from those customers.
- 7.46 The transport statement provides likely parking accumulation at the site and, during the peak time of vehicle movements of 14:00-15:00PM, 32 parking spaces will be used and, during the evening peak period of 20:00-21:00PM, a maximum of 38 spaces will be used. With the peak period of 20:00-21:00 there is therefore spare capacity of around 12 parking spaces.
- 7.47 Whilst Officers acknowledge the concerns from the Parish Council, having regard to the information contained within the Transport Assessment and the NPPF, the provision of 50 spaces is considered to be acceptable and is considered to be in line with policy TR7 which sets out the maximum standard.

#### Neighbour amenity

- 7.48 Concerns are raised by local neighbours and the Community regarding the impact of the proposed development on neighbour amenity. Concern is also levelled at potential uses of the building as a wedding venue including the erection of marquees.
- 7.49 The development proposal is for the use of the buildings as a pub/restaurant use with accommodation above. No other uses are

proposed as part of this application and any material change of use of the building, including the sui generis use of a wedding venue, would require the submission of a planning application. Furthermore, the erection of any marquees within the grounds of the public house would represent operational development for which the submission of a planning application would be required. As such, the application can only be assessed based upon the current proposal and plans submitted, in terms of the impact on neighbour amenity.

- 7.50 In any event, in considering the proposed development, the Council must take into account the lawful use of the building and site as a public house. The proposed development is, as noted above, significantly larger than the existing buildings and Officers would therefore anticipate a proportionally greater level of activity. This said, no objections to the planning application have been received from Environmental Health and the distance/relationship between the proposed building and neighbouring properties is considered to be appropriate to ensure that there will be no significant or harmful impact on neighbour amenity in terms of noise and disturbance.

#### Other matters

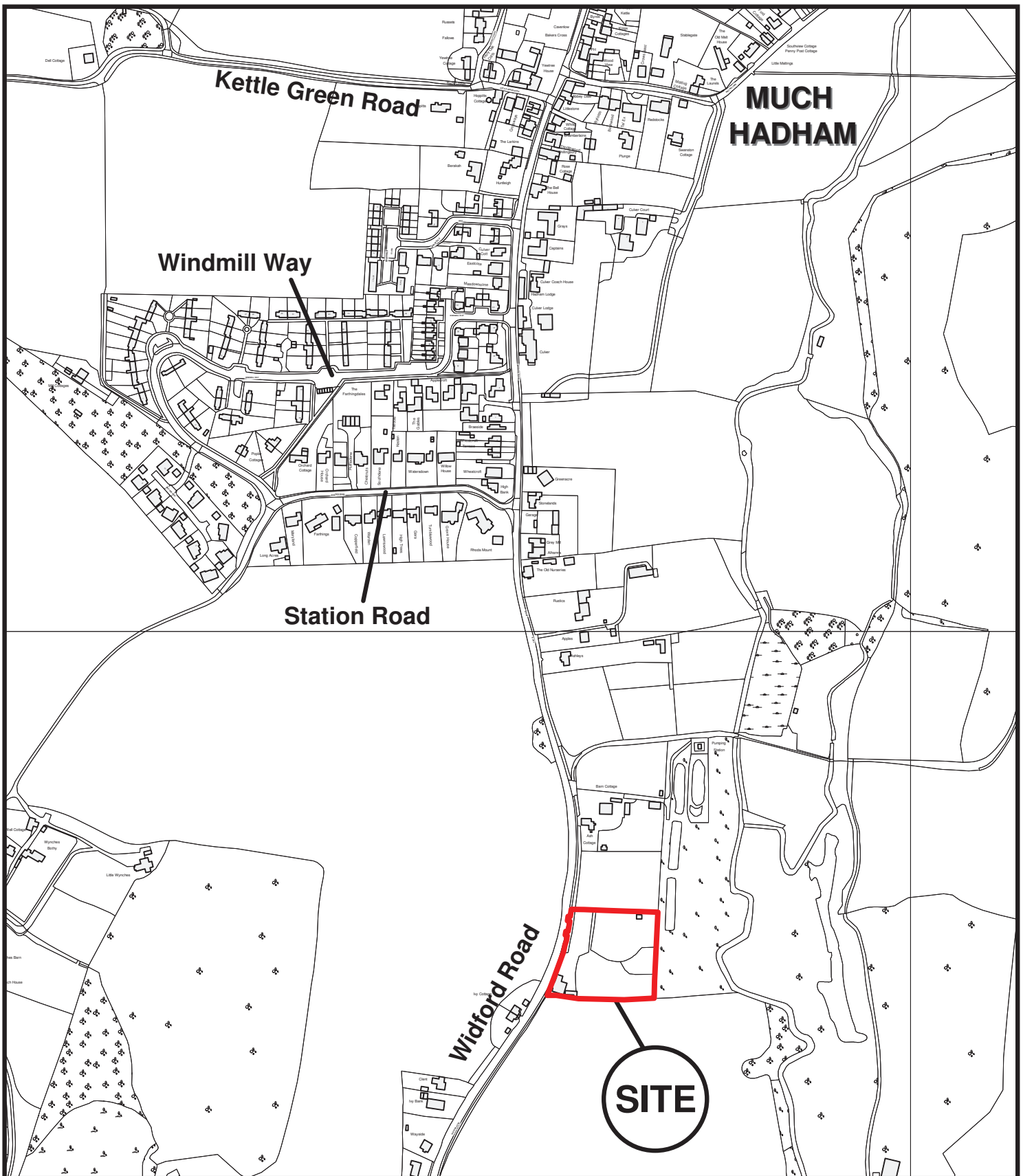
- 7.51 The comments from the County Archaeologist are noted. In accordance with policies BH1, BH2 and BH3 of the Local Plan and section 12 of the NPPF, it is considered to be necessary and reasonable to attach a planning condition requiring archaeological work.
- 7.52 There is a lack of detailed information on the submitted drawings regarding lighting, materials of construction, landscaping and extraction/filtration equipment associated with the kitchen. In the interests of visual amenity and the character of the site and surroundings, Officers consider that it is necessary and reasonable to require further information in relation to these matters which can be controlled through planning conditions.

### **8.0 Conclusion**

- 8.1 The proposal represents an inappropriate form of development which is contrary to the Council's Rural Area policies.
- 8.2 However, where the Local Plan is not up to date with the NPPF, consideration should be given as to whether any adverse impact associated with the development would outweigh the benefits.
- 8.3 The proposed development will provide a sustainable economic form of development which will have benefit to employment in the short term

construction period and job creation thereafter, together with other benefit to the wider village economy. The development will, in Officers opinion, deliver a community facility and is located in a reasonably sustainable location.

- 8.4 The building is acknowledged to result in a greater level of impact to the site and surroundings in terms of its visual impact. However, the degree of impact is considered to be acceptable having regard to the design, form and siting of the proposed building and there will be no significant harm on neighbour amenity such that would warrant the refusal of planning permission.
- 8.5 An appropriate level of parking and access to the development is provided and there will be no severe impact on the local highway network associated with the increased level of traffic movements.
- 8.6 In terms of the balancing exercise required in paragraph 14 of the NPPF, Officers are of the opinion that the benefits associated with the development outweigh the adverse impact and it is therefore recommended that planning permission be granted, subject to conditions.



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**Reference: 3/14/0369/FP**  
**Scale: 1:5000**  
**O.S Sheet: TL4217**  
**Date of Print: 5 December 2014**

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# Agenda Item 5c

(a) 3/14/1594/FO – Variation of condition 2 (approved plans) of planning permission 3/12/1955/FP (the demolition of existing outbuildings and the renovation of the former Victorian school) to provide an additional 3 car park spaces to support additional classroom mezzanine level; and

(b) 3/14/1593/LB – Installation of new timber and steel floor to form a mezzanine level within the existing building creating additional classroom space and addition of new painted metal railings and gates to match existing (modifications to 3/12/1956/LB) – amended position of stairwell and further amendment to mezzanine floor at Musley Infants School, Musley Hill, Ware, Hertfordshire, SG12 7NB for Musley Hill School Ltd

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Date of Receipt: (a) 01.09.2014  
(b) 01.09.2014

Type: (a) Variation of condition  
(b) Listed Building Consent

Parish: WARE

Ward: WARE – TRINITY

## RECOMMENDATION:

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

1. Three year time limit (1T12)
2. Approved plans (2E10) – Location; 1324 PL00B; 1324 PL01B; 1324 PL02; 1324 PL03D; 1324 PL04D; 1324 PL05; 1324 PL06C; 1324 PL07D; 1324 PL08A; 1324 EX.01C.
3. Prior to the occupation of any of the residential units hereby approved, the existing railings to the north and west sides of the school building shall be fully repaired and refurbished in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the whole site and to ensure the historic and architectural character of the building is adequately restored in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. Hard Surfacing (Roads, Driveways) (3V21). Amend “Prior to occupation...”
5. Boundary Walls and Fences (2E07)

**(a) 3/14/1594/FP and (b) 3/14/1593/LB**

6. Approved accesses only (3V04)
7. Pedestrian visibility splays (2.0m x 2.0m) (3V10)
8. Provision and retention of parking spaces (3V23)
9. Existing access closure (Musley Hill) (3V05)
10. Cycle Parking facilities (2E29). Amend "Prior to occupation.."
11. Withdrawal of P.D (Schedule 2, Part 1 Classes A, B, C and E) (2E23)
12. Landscape design proposals (4P12) b, c, d, e, f, l, j, k and l
13. Landscape Works implementation (4P13)
14. Construction hours of working – plant and machinery (6N07)
15. The carports hereby approved shall remain open structures for the lifetime of the development hereby approved.

Reason: To ensure the continued provision of off street parking facilities in the interests of highway safety in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007.

16. Contaminated land survey and remediation (2F33)

Directives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
2. Highway Works (amended to contact Highways at County Hall, Hertford Tel 0300 123 4047).
3. (26LB) Relationship with Listed Building Consent
4. (19SN) Street Naming and Numbering
5. (28GP) Groundwater Protection Zone (Musley Lane)

**(a) 3/14/1594/FP and (b) 3/14/1593/LB**

**Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and Class J of the General Permitted Development Order as amended is that permission should be granted.

(b) That listed building consent be **GRANTED** subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10) – 1324 PL00B; 1324 PL01B; 1324 PL02; 1324 PL03D; 1324 PL04D; 1324 PL05; 1324 PL06C; 1324 PL07D; 1324 PL08A.

**Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that listed building consent should be granted.

\_\_\_\_\_(159414FO.TH)

**1.0 Background**

- 1.1 The application site is shown on the accompanying O.S site plan and is the former Infants School building at Musley Hill in Ware. The building has been vacant for many years. A planning permission was granted in 2006 after the school was vacated, to convert it to a new Community Hall with 2 new dwellings, however this was never implemented.
- 1.2 Members may recall that more recently, in August last year, permission was granted for the provision of 7 dwellings at the site as an alternative development of the site which would also enable the repair of the school building and bring it back into use for educational purposes.

## **(a) 3/14/1594/FP and (b) 3/14/1593/LB**

This permission is currently being implemented.

- 1.3 The current listed building application seeks consent for the insertion of a mezzanine floor within the listed school building. The applicant has stated that a nursery (Willow Wood) for 56 children is interested in the building but needs the additional space to meet OFSTED standards. The inserted mezzanine would increase the floor area of the building to 2586 sq ft.
- 1.4 A marketing report advises that the existing building, at 1736 sq ft, is too small for a nursery use and modern day practices. The ideal size for Ware would be premises of 3- 4000 sq ft. It says that only one enquirer has been interested in the building at the proposed size, even with the mezzanine added, as it is at a minimum size requirement.
- 1.5 The current planning application seeks permission for revisions to the plans previously approved under ref: 3/12/1955/FP - which is currently being implemented on site. The insertion of a mezzanine floor is actually internal work that would not constitute development requiring planning permission. However, there are consequential revisions to the plans that require permission such as the provision of 3 additional parking spaces to allow for the additional size of nursery. These spaces have been further amended during the course of the application, as have the plans for the mezzanine floor to open up the space around key windows of the school building.

## **2.0 Site History**

2.1 The following planning history is of relevance:

- 3/06/1581/FP. Demolition of outbuildings, erection of Two 3 bedroom residential dwellings and erection of extension to existing building for community use. Granted with conditions 25 Oct 2006.
- 3/12/1955/FP. The demolition of existing outbuildings and the renovation of the former Victorian school. The development of the former school playground and outdoor space for 7 new dwellings with associated parking and amenity space. Granted with conditions. 14 Aug 2013.
- 3/13/2019/FO. Variation of condition 18 (Bats) and removal of duplicate condition 19 of approved application 3/12/1955/FP Granted 23 Dec 2013.

## **(a) 3/14/1594/FP and (b) 3/14/1593/LB**

### **3.0 Consultation Responses**

- 3.1 County Highways have noted the 3 parking spaces for the additional floor area and have no objection to the application.
- 3.2 The Conservation Officer commented on an earlier version of the proposals and recommended refusal advising that “In principle a mezzanine is considered to have limited impact on the significance of the heritage asset and is a reversible change which will not harm the building fabric. However it was recommended at pre - application stage that the scale be reduced to allow for appreciation of the volume of the space and also to reduce the impact on fenestration. The amended scheme has addressed concerns with the east window but not the west window or the scale”.
- 3.3 Since this comment was made the plans have been amended to improve the relationship with the west window and your Officers consider this respects a sketch suggestion provided by the former Conservation Officer that sets any mezzanine floor back from the main windows.
- 3.4 The County Archaeologist has no objection to the plans.
- 3.5 The Environmental Health Officer has no objections but requests retention of conditions on hours of working and land contamination.
- 3.6 Herts Ecology has no objection to the plans.

### **4.0 Town Council Representations**

- 1.1 Ware Town Council have objected to the application indicating that additional parking spaces will create additional vehicle movements in an already congested area. Adding the upper floor will also increase the number of pupils attending the nursery, thus creating even more traffic movement; increases in on-street parking in an already congested area which is also a local bus route.

### **5.0 Other Representations**

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 Councillor J Wing objects to the application as he did to the original permission. He considers that the modification should have been identified before the applicant made the earlier application and that the

## **(a) 3/14/1594/FP and (b) 3/14/1593/LB**

applicant then claimed to have an occupant for the nursery building. He refers to numerous local residents that feel the level of development will result in traffic and additional parking pressure. His request that the application be referred to the Development Management Committee has been agreed by the Chairman.

5.3 No other representations have been received.

### **6.0 Policy**

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

TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping

6.2 The National Planning Policy Framework (NPPF) and Planning Policy Guidance (NPPG) are also a material consideration.

### **7.0 Considerations**

7.1 The application is made following the grant of planning permission for the new housing development at the site which has facilitated the repair of the listed school building at the site.

7.2 The proposed educational use of the school building is lawful in planning terms and the continuation of an education use is viewed positively. In general, the best use of a heritage asset will be for the purpose it was originally designed. In this case such a small building needs adaptation for a modern educational use.

7.3 As stated above, the mezzanine floor would not of itself require planning permission, and could be provided as subsequent work to the scheme (as internal work is not development). Planning permission is required at this stage as the plans are at variance from the approved scheme for the school. The additional parking to provide 3 spaces at the site also requires planning permission and is a variation of the approved plans. The insertion of the floor requires listed building consent as an alteration to the character of the listed building.

7.4 The internal spaces of the school are well lit by the existing high windows particularly those within the main east and west gables to the principal central school room. Insertion of a floor will always be harmful to the appreciation of the height and volume of the internal space. The

**(a) 3/14/1594/FP and (b) 3/14/1593/LB**

appreciation of the space is, however, to be weighed against other considerations such as the public benefit of achieving a school use and continuing the educational use of the site. In discussions with Conservation Officers it was suggested that a compromise could be agreed by pulling the mezzanine floor area back from the main windows. The proposal as amended does this on the east side, albeit including a stairwell at this point, as well as on the west.

- 7.5 The physical fabric of the school building has been repaired and brought into a useable condition by the works carried out under the approved planning permission. These are, to all intents and purposes, now completed. This means that the building can be marketed as ready for occupation.
- 7.6 A marketing report explains that a full marketing campaign has been conducted since mid-2013. Particulars were sent to the agent's database of individuals who had registered an interest in the site. An electronic marketing campaign targeted at D1 uses, mostly nursery schools and childcare, was undertaken. The report notes advantages such as the location, generous parking and play area and the attractiveness of the refurbished property.
- 7.7 The applicant refers to a key disadvantage, raised on many occasions, that at 1736 sq ft the building is considered to be too small for modern educational use and falling below the minimum standard for national and regional operators. The provision of the new floor would however bring the accommodation up to 2586 sq ft - nearer to the optimum size needed for nurseries/childcare of approximately 3,000 to 4,000 sq ft (278 – 371 sqm).
- 7.8 The determining issues in the consideration of these applications are therefore as follows:
- The principle of a mezzanine floor and its impacts on a heritage asset, the listed school building and its setting
  - The impacts of an intensification of the use and the weight that can be granted to planning considerations such as parking for proposed internal works;

**Principle of development / impact on listed building**

- 7.9 In considering the application for Listed Building Consent, the relevant consideration is the impact of the proposal on the character of the listed building which, in accordance with the NPPF, is to be weighed against the benefit of securing a viable optimum use.

**(a) 3/14/1594/FP and (b) 3/14/1593/LB**

*“In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation” (para131)*

- 7.10 Your Conservation Officers have advised that they do not object in principle to the insertion of the mezzanine floor as it can be done without harm to the fabric of the building and is a reversible change. They recommended that the floor be set away from windows to enable the full height of the room spaces, as well as the windows, to be appreciated. The various amendments made to the plans have been done to achieve this set back although they have reduced the available room within the mezzanine floor, the applicant has been prepared to make this compromise.
- 7.11 The amended plans now provide a full height void space to the west window and a void space including the rising stairwell within the main east window. This effectively accords with the advice of the Conservation Officer.
- 7.12 While the ideal may be to retain a full open interior, your Conservation Officers have agreed the change and it also ensures a building is brought into use which is an important consideration. In Officers view the insertion of the mezzanine floor results in less than substantial harm to the heritage asset and is outweighed by the benefit of securing the use, in accordance with the NPPF guidance:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (para 134)*

- 7.13 Accordingly your Officers recommend that there is a justified case for the alteration and that this accords with national planning guidance on the protection of heritage assets. Considerations of parking impacts are not relevant to the determination of the listed building consent application.

**Planning application to vary approved plans**

- 7.14 The main planning issues to consider are whether the provision of the mezzanine floor is acceptable having regard to the intensification of the use of the site, for instance in impacts on parking and amenity, and whether the additional parking arrangements are acceptable in highways terms and in their impacts on the setting of the listed building.



**(a) 3/14/1594/FP and (b) 3/14/1593/LB**

- 7.15 The fact that a subsequent planning permission would not be required for the insertion of the floor is also of relevance and that in such case the local planning authority would have no ability to secure additional parking provision. This is a consideration that supports the grant of planning permission.
- 7.16 The application, in view of the known concerns about parking in the area, has included an additional 3 parking spaces. The approved scheme for the site provided 9 spaces for use by the converted school which was considered reasonable when the original planning permission was granted, albeit no figures were available on numbers of school children at that time.
- 7.17 The current proposal would add the mezzanine floor, although not all of the new space is for classrooms. At a rough estimate it is expected to provide for an additional 20 – 25 children at the site (based on the OFSTED standard quoted of approximately 2.5sqm per child).
- 7.18 The maximum parking provision required under the Council's Adopted Parking Standards based on the SPD figure of 1 space per 4 school children, for a school of 56 children would be 14 spaces. The increased space and numbers would suggest an additional 5 spaces. The provision of 3 extra spaces, and 12 spaces overall, for the proposed school building is deemed to be reasonable and acceptable.
- 7.19 It should be noted that, although there is on street parking congestion in the vicinity of the site, no residents have written to object to the proposed additional floorspace. County Highways have also not objected.
- 7.20 In making this judgement, weight is given to the constraints of the site to provide car parking in a manner which does not harm the setting of the listed building. The layout of the new parking spaces is sensitive to the setting of the listed building, allowing some retention of the garden areas on the east side of the building and also to surface the parking with granite setts.
- 7.21 If the Council accepts the case for Listed Building Consent to be granted then it would be unwise to refuse planning permission for an alteration that of itself will not constitute development if implemented independently.
- 7.22 The proposed use should be viewed positively in terms of the tests of sustainable development as it will secure the long term use and repair of a heritage asset and the wider benefits of employment, a local

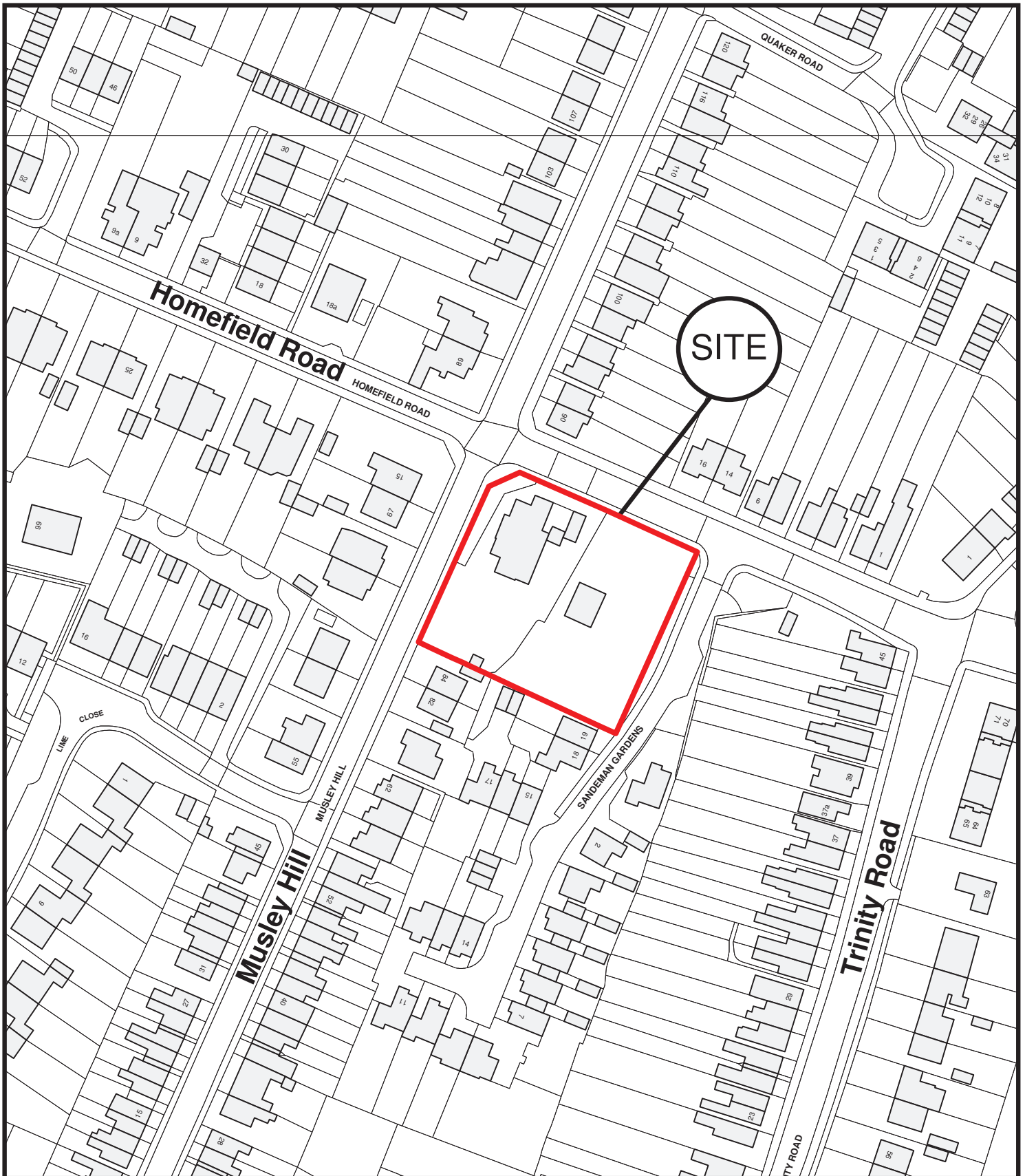
**(a) 3/14/1594/FP and (b) 3/14/1593/LB**

service and economic activity of a new nursery operation.

- 7.23 If refused, then it may lead to a long period of vacancy and possibly less attractive reuse options in planning terms for the school building.

**8.0 Conclusion**

- 8.1 To conclude the proposed alteration to the listed building by the introduction of the new floor, as amended, is considered to be in accordance with your Conservation Officers advice and an acceptable alteration that will enable the continued educational use of the building as a nursery.
- 8.2 While there is some impact on the appreciation of the internal spaces of the listed building, the amendments retain voids up to the full height of the ceiling and the appreciation of the main windows within the main classroom of the building. Approval of the scheme accords with the balance of considerations advised by the NPPF.
- 8.3 The requirement for planning permission only exists at this stage as the new floor is at variance from the approved planning permission and the approved plans. However planning permission would not be required at a later stage following full implementation of the scheme. In view of this, as the case of listed building consent is sound, it is considered far more desirable to approve a planning scheme that provides for some additional parking and in an appropriate manner when the option could be to secure no more than already approved.
- 8.4 If the educational use of the building does not continue it isn't clear how long the building may remain unused or to what extent other more public uses of the building will be possible. The nursery will also provide new employment opportunities, which is a positive planning consideration. There is a known tenant for the use awaiting the agreement of the Council.
- 8.5 Accordingly it is recommended that planning permission be granted to the variation of the plans and listed building consent, subject to the conditions as set out. Existing planning conditions are carried over from the original as the effect of permission in this case would be to grant a new planning permission.



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**Reference: 3/14/1594/FO & 3/14/1593/LB**

**Scale: 1:1250**

**O.S Sheet: TL3614NW**

**Date of Print: 17 December 2014**

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## 3/14/1799/FP – Erection of a new carport at 32 Bishop’s Road, Tewin Wood, Tewin, AL6 0NW for Mr E Ismail

Date of Receipt: 03.11.2014

Type: Full – Other

Parish: TEWIN

Ward: HERTFORD RURAL NORTH

### RECOMMENDATION:

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

1. Three Year Time Limit (1T12)
2. Approved plans (2E10) – insert: ‘location, DPL.02, DPL.02 (A), DPL.03, DPL.04, DPL.05, DPL.06A, DPL.07A, DPL08, DPL.09 and DPL.88’

### Summary of Reasons for Decision

East Herts Council has considered the applicant’s proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the ‘saved’ policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies, and permission ref: 3/92/1603/FP, is that permission should be granted.

\_\_\_\_\_ (79914FP.LP)

### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It comprises a large detached property located within the semi-rural and spacious, well landscaped residential area of Tewin Wood, sited within the Metropolitan Green Belt. The property has been extended to the sides and rear previously and has a large rear garden and large front driveway.
- 1.2 The application seeks planning permission for the erection of an attached carport at the side of the property. It would sit slightly recessed from the front of the dwelling, with a width of approximately 3.9 metres and a height of 2.8 metres. It would be sited up to the boundary with the neighbouring dwelling at No. 34.

## **3/14/1799/FP**

1.3 The application is being reported to Committee for a decision as it is considered to be contrary to Green Belt policy and an objection has been received.

### **2.0 Site History**

2.1 The relevant planning history is as follows:

- 3/14/1136/FP – Decking. Granted.
- 3/93/1300/FP – Two storey rear extension and loft conversion. Granted.
- 3/92/1603/FP – Carport. Allowed on appeal.
- 3/92/1226/FP – Front extension of existing garage. Granted
- 3/91/0228/FP – Single storey front extension and chimney. Granted.
- 3/89/1008/FP – Rear conservatory. Granted
- 3/87/1158/FP – Extensions and alterations

### **3.0 Consultation Responses**

3.1 No consultation responses have been received.

### **4.0 Parish Council Representations**

4.1 Tewin Parish Council object to the proposal. They consider it to be an extension to the main dwelling and would result in overdevelopment of the site which will result in a terracing effect, not in keeping with the surrounding area.

### **5.0 Other Representations**

5.1 The application has been advertised by way of neighbour notification.

5.2 One letter of objection has been received from the neighbouring property, 34 Bishop's Road, raising concern with regards to the impact on their amenity and that the extension, extending the full width of the plot would be out of keeping with Tewin Wood. They raise further comments in terms of precedent, potential for future applications for a first floor and request that conditions are placed on the property restricting any further developments.

5.3 Another resident has written requesting to be kept informed of the outcome of the application.

**6.0 Policy**

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

- GBC1 Appropriate Development in the Green Belt
- ENV1 Design and Environmental Quality
- ENV5 Extensions to Dwellings
- ENV6 Extensions to Dwellings – Criteria

6.2 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations in this case.

**7.0 Considerations**

7.1 The main planning considerations in this application relate to the principle of development in the Green Belt; the appropriateness of the size, scale and design of the carport extension and its impact on the character and appearance of the dwelling; and neighbour amenity impact.

**Principle of development / impact on openness**

7.2 As the site lies within the Metropolitan Green Belt as defined in the Local Plan, the principle of development is assessed under policy GBC1 of the East Herts Local Plan Second Review April 2007. Under part (d) of this policy, consideration is given as to whether this proposed extension can be considered as "limited" and whether it accords with the criteria of policy ENV5. The principle objective of this policy is to limit the impact an extension may have on the character and appearance of an existing dwelling and the openness of the Green Belt.

7.3 The history of the site reveals that the original property, built under lpa 3/61/0764/FP, was a relatively modest two storey detached property. In accordance with the planning permissions detailed above, the property has been extended by way of two storey side and rear extensions which has enlarged the property by over double that of the original dwelling. This further extension now proposed would enlarge the dwelling further and would therefore cumulatively exceed what may be considered as representing a limited extension of the property. The proposal would thereby be contrary to policy GBC1 and would represent inappropriate development in the Green Belt. Therefore, and in accordance with Local Plan Policy GBC1 and the NPPF, it falls to be

determined, if there are any 'very special circumstances' in this case that would clearly outweigh the harm by reason of inappropriateness, and any other harm.

- 7.4 In terms of the very special circumstances in this case, Officers place significant weight on the fact that a carport of this size and siting was previously granted on appeal under lpa ref: 3/92/1603/FP. In determining that appeal the Inspector noted that the proposal would 'not adversely affect the appearance of the locality or the Green Belt'. Although that permission is somewhat dated, there has been no significant change of circumstance to lead Officers to make a different decision.
- 7.5 It is noted that the property has been extended by a 2 storey rear extension since the previous carport permission. However, in determining the application for that extension, the Council acknowledged that both could be built and that no adverse impact would occur. Furthermore, whilst the NPPF is a new national policy, the principle of development within the Green Belt has not changed. Officers therefore conclude that this earlier decision provides a strong supporting argument that there are very special circumstances in this case that would clearly outweigh the harm by reason of inappropriateness and any other harm.

Size, scale and design

- 7.6 The extension proposed would be of a modest size and scale, measuring a width of approximately 3.9 metres and a height of 2.8 metres. It is designed with a flat roof to limit any impact on the neighbouring property at No. 34 but with a false pitch to the front elevation so that, from the street scene, it would be in keeping with the character of the dwelling. Furthermore, it would be slightly recessed from the front of the dwelling so that overall it would appear as a subservient extension.
- 7.7 The carport would be sited up to the boundary with No.34, and the resultant dwelling would extend across the full width of the plot. However, it is material to note that many nearby properties extend across their full plots to a similar proportion as proposed here and indeed this was a matter that the Inspector, on the 1992 carport application, noted and accepted. Officers do not consider that any significant harm would arise to openness by the proposal which fills in an area already enclosed by a 2metre high boundary fence.



- 7.8 Overall, Officers consider that the carport is of an appropriate size, scale and design that would relate well to the character and appearance existing dwelling, the street scene and the wider rural character and openness of the locality.

Neighbour amenity

- 7.9 As already mentioned, the proposed carport would be sited up to the boundary with No. 34, which is divided from the application site by a 2 metre high fence. No. 34 is sited forward of No. 32 and is a distance of 5.5 metres from the shared boundary. Whilst, at ground floor, the dwelling has secondary lounge windows facing the development site, given the spacing and single storey nature of the proposal, Officers do not consider that there will be a significant or detrimental impact on neighbours amenity in terms of an overbearing impact, loss of outlook, light or overshadowing or loss of privacy in accordance with policy ENV1 of the Local Plan.

Other matters

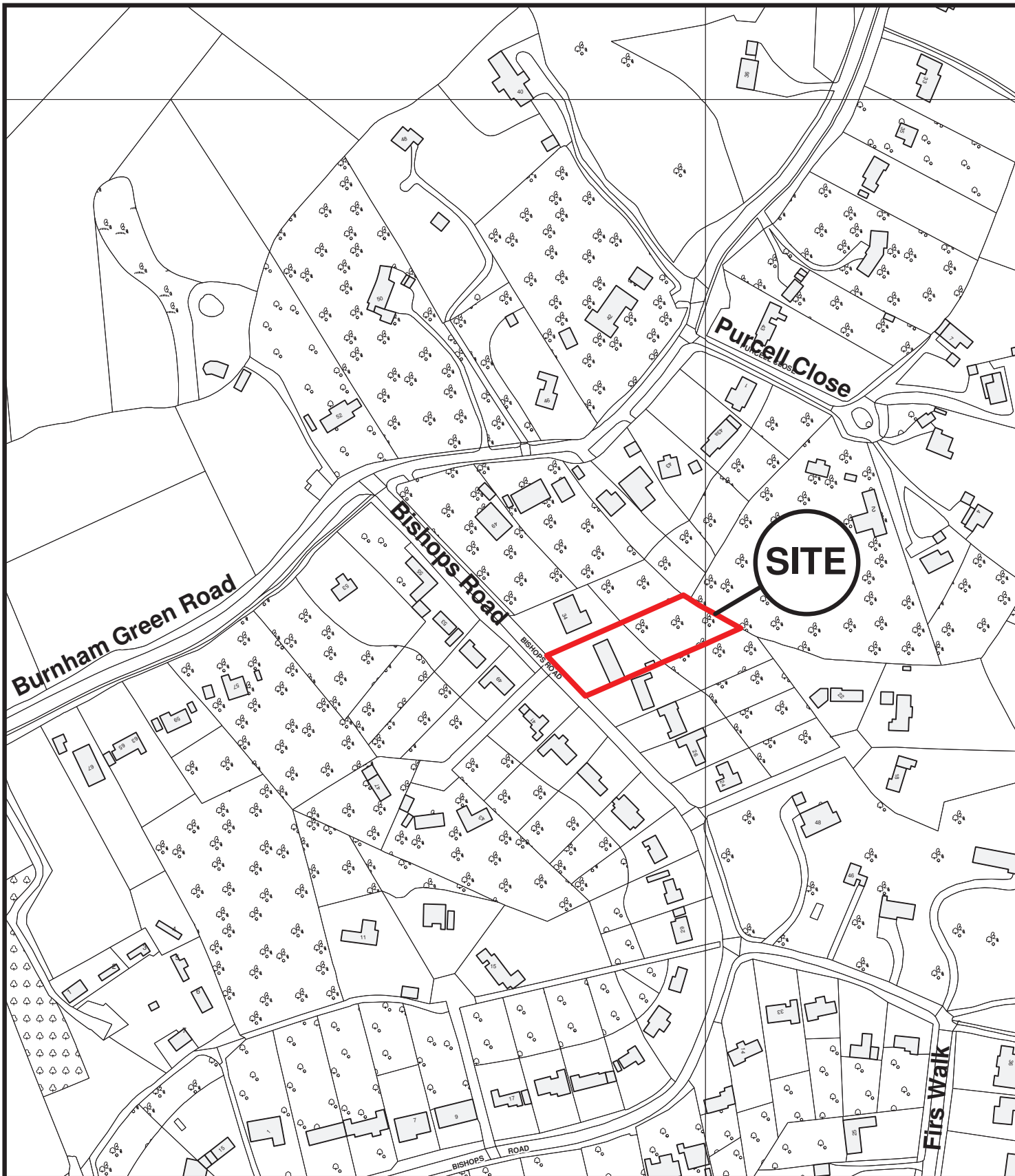
- 7.10 The comments from the neighbour in respect of the potential for a further first floor extension and request to place restrictions on future developments to the property are noted. However, any future developments relating to extensions to the dwelling would require planning permission and would be considered on their own merits through the normal planning application processes.
- 7.11 The property lies within an area covered by a Tree Preservation Order. However, due to the siting of the carport, no adverse impact on protected trees would occur as a result of this proposal.

**8.0 Conclusion**

- 8.1 Officers consider that the development proposed, together with previous extensions that have been carried out to the property, cannot be considered as 'limited', and is therefore contrary to policy GBC1 of the Local Plan amounting to inappropriate development in the Green Belt. However, it is considered that there is limited additional harm to the Green Belt in this case as the proposed extension is considered to be of an appropriate siting and design to respect the character and appearance of the dwelling and street scene and not result in harm to the openness of the Green Belt.
- 8.2 Furthermore, the proposed extension would not result in any significant

harm to the amenities of the occupiers of the neighbouring property or to any other relevant planning considerations. Officers consider that there are 'very special circumstances' in this case that would clearly outweigh the harm by reason of inappropriateness, and any other harm, such as to justify the grant of permission.

- 8.3 The very special circumstances in this case relate to the fact that planning permission has previously been granted, on appeal, for a carport of a very similar size and siting to that now proposed and that decision must be given very substantial weight in the determination of this application. The inspector found that no harm would arise to the character and appearance of the area or to the amenities of nearby residents. Officers do not consider that there have been any material changes in site circumstances or policy since then that would warrant a different decision being made on this occasion.
- 8.4 It is therefore recommended that planning permission be granted subject to the conditions listed at the head of this report.



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**Reference: 3/14/1799/FP**

**Scale: 1:2500**

**O.S Sheet: TL2616**

**Date of Print: 3 December 2014**

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## E/13/0221/B – Unauthorised use of property as a Children’s Home at Nutwood Cottage, West End Road, Wormley West End, Herts, EN10 7QN

Parish: BRICKENDON LIBERTY CP

Ward: HERTFORD HEATH

### RECOMMENDATION:

That Members note and agree the decision of the Director of Neighbourhood Services to issue, under delegated authority, an enforcement notice with a revised compliance period to that authorised by the Committee in June 2014.

Period for compliance: 3 months.

Reasons why it was expedient to issue an enforcement notice:

1. The change of use, by reason of the degree of activity, noise and disturbance at the property and the actual and perceived potential for anti-social behaviour in close proximity to existing residential uses, is harmful to the residential amenity of neighbouring occupiers and the rural character of the area. The proposal is thereby contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. The use of the premises as a children’s home, in a location away from a significant centre of population and key services, results in an unsustainable form of development which is heavily reliant on motor vehicles and which results in additional traffic movements within the surrounding rural area. This development is at odds with the Council’s strategy for development in the District as set out in Policy SD2 of the East Herts Local Plan Second Review April 2007 and the principles of sustainable development set out in the National Planning Policy Framework.

\_\_\_\_\_(022113B.CB)

### **1.0 Background**

- 1.1 Members may recall that this matter was referred to the Committee in June 2014 when authorisation was given for the service of an enforcement notice in respect of the use of the property as a children’s home, with a compliance period of 6 months. A copy of the earlier report to the Committee is attached as **Essential Reference Paper ‘A’** to this report.
- 1.2 This report is to update the Committee in respect of the service of that notice; to set out the circumstances resulting in the service of the notice with a reduced compliance period under delegated authority, and to

seek the Committee's agreement to that course of action.

- 1.3 The background to this matter and the description of the site and its use is set out within the attached report at **Essential Reference Paper**.
- 1.4 Following the June Committee meeting, Officers were contacted by, and entered into discussions with, legal representatives of the Children's Home operator, whereby a voluntary compliance period was agreed on the understanding that the Enforcement Notice was not served.
- 1.5 However, Officers visited the site following the expiry of this voluntary period and found the use to still be in operation. In accordance with the constitution, therefore, and in collaboration with the Local Member and Development Management Committee Chairman, it was agreed that an Enforcement Notice should be served with a reduced compliance period. This meant that the Enforcement Notice would come into effect at a similar time as if it had been served before the voluntary compliance period was agreed.

## **2.0 Planning History**

- 2.1 There is no relevant planning history relating to this site.

## **3.0 Policy**

- 3.1 The relevant saved policies of the adopted Local Plan in this matter are:

ENV1	Design and Environmental Quality.
SD2	Settlement Hierarchy
GBC1	Appropriate Development in the Green Belt

- 3.2 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations in the determination of this matter.

## **4.0 Considerations**

- 4.1 The determining issues in this case remain as set out in the attached earlier report.
- 4.2 Members will be aware that, where possible and appropriate, Officers will seek to remedy breaches of planning control without recourse to the service of formal notices. This is in accordance with national planning

policy on enforcement which indicates that “addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy”. However, attempts to remedy this particular breach through negotiation did not result in a timely resolution to the matter and, given the disturbance being caused to neighbouring properties, it was considered appropriate and proportionate to issue the previously authorised enforcement notice, but with a reduced compliance period of three months. This ensured that the Enforcement Notice would come into effect at a similar time as if it had been served before the voluntary compliance period was agreed.

- 4.3 Accordingly, following the agreement of the local Member and the Chairman, in accordance with the Council’s constitution, the enforcement notice was served on 21<sup>st</sup> November 2014 with a revised 3 month compliance period.

## **5.0 Recommendation**

- 5.1 That Members note and agree the decision of the Director of Neighbourhood Services to issue, under delegated authority, an enforcement notice with a revised compliance period to that authorised by the Committee in June 2014.

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**E/13/0221/B – Unauthorised use of property as a Children’s Home at Nutwood Cottage, West End Road, Wormley West End, Herts, EN10 7QN**

**Parish: BRICKENDON LIBERTY CP**

**Ward: HERTFORD HEATH**

**RECOMMENDATION:**

That the Director of Neighbourhood Services, in consultation with the Director of Finance and Support Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised use.

Period for compliance: 6 months.

Reasons why it is expedient to issue an enforcement notice:

1. The change of use, by reason of the degree of activity, noise and disturbance at the property and the actual and perceived potential for anti-social behaviour in close proximity to existing residential uses, is harmful to the residential amenity of neighbouring occupiers and the rural character of the area. The proposal is thereby contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. The use of the premises as a children’s home, in a location away from a significant centre of population and key services, results in an unsustainable form of development which is heavily reliant on motor vehicles and which results in additional traffic movements within the surrounding rural area. This development is at odds with the Council’s strategy for development in the District as set out in Policy SD2 of the East Herts Local Plan Second Review April 2007 and the principles of sustainable development set out in the National Planning Policy Framework.

\_\_\_\_\_ (022113B.CB)

**1.0 Background**

- 1.1 The site is shown on the attached OS extract. It comprises a detached property, located at the western end of West End Road in Wormley West End and which lies within the Metropolitan Green Belt. To the west is a farm, to the east is a neighbouring residential property and to the north is garden land and fields, to which access is gained from West End Road to the south.

- 1.2 In July 2013 concerns were expressed to the Council by the Parish Council that the site was being used as a care home for “seriously disturbed young people” by an organisation called Advanced Childcare.
- 1.3 Officers noted that there had been correspondence between the operator of the home and the Development Management department in November 2012 with regard to the need for planning permission. An officer informed them that on the information provided, (i.e. that the care home would operate under Use Class C3(b) – as a dwellinghouse shared by up to 6 people), it would not require planning permission. However, the Officer further stated that a Lawful Development Certificate must be submitted for formal confirmation from the Council and that the advice given was the informal opinion of the Officer, based on the information provided, and would not prejudice the final decision of the Council.
- 1.4 Officers began investigating the use of the property but delayed further action due to an outstanding Lawful Development Certificate appeal at similar sites being operated in Bishop’s Stortford and Sawbridgeworth. The appeal in Bishop’s Stortford was withdrawn, but the appeal decision relating to a similar use in Spellbrook, Sawbridgeworth was issued in December 2013 and provided some useful clarity in respect of the consideration of such applications.
- 1.5 Following the appeal decision, Officers served a Planning Contravention Notice (PCN) on the operator of the site in December 2013 to obtain further information regarding the use of the property.
- 1.6 Following a review of the responses to the PCN, Officers considered it necessary to visit the site and inspect the inside of the home. Following unsuccessful attempts to arrange a mutually convenient visit (given the sensitive nature of the use), Officers utilised their powers of entry to visit the site in May with the required written notification sent directly to the property.
- 1.7 From the visit it was apparent that part of the property had been converted to accommodate an office for the exclusive use of Advanced Childcare employees, with locked access, desks, multiple computer stations and wallcharts/files. An employee of the company informed Officers that a further bedroom had been converted for use by staff only, with three additional bedrooms (although only 2 had ever been used at one time). The downstairs contained fairly open plan shared living accommodation with a kitchen/dining room and lounge space. This generally accorded with the information provided through the PCN.

1.8 The property was stated to be occupied by two young persons in need of care and their caring staff who are resident on a shift basis. Further information on the precise nature of the use is set out in paragraph 4.4 of this report.

1.9 Following consideration of the appeal decision, case law, and the results of investigations, Officers consider that the use of the site does not fall within the C3(b) (dwellinghouse) category, but falls within Use Class C2 (Residential Institutions). For ease of reference the various C2/C3/C4 uses are explained below:

- **C2 Residential institutions** – Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).
- Use as a hospital or nursing home.
- Use as a residential school, college or training centre.
- **C2A Secure Residential Institution** – Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.
- **C3 Dwellinghouses** – this class is formed of 3 parts:
- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
- C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.
- **C4 Houses in multiple occupation** – small shared dwelling houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

## 2.0 Planning History

2.1 There is no relevant planning history relating to this site.

## 3.0 Policy

3.1 The relevant saved policies of the adopted Local Plan in this matter are:

ENV1	Design and Environmental Quality.
SD2	Settlement Hierarchy
GBC1	Appropriate Development in the Green Belt

3.2 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations in the determination of this matter.

## 4.0 Considerations

4.1 The determining issues in this case relate to whether the existing use of the property requires planning permission and if so, whether it is appropriate development in the Green Belt and acceptable in terms of policy and its impact on the amenities of nearby properties and the character and appearance of the surrounding rural area.

4.2 In relation to the first issue, Officers consider that the use does not fall within Use Class C3(b). This is because C3(b) requires residents to be living together *as a single household*. The appeal decision for The Sidings at Spellbrook Lane East, Spellbrook, was against the refusal of a Certificate of lawfulness by the Council for the use of a dwellinghouse by up to six people living together as a single household and receiving care (Use Class C3(b)). In his decision the Inspector stated that for a 'household' to be created there would need to be at least one permanent adult living on the premises with the children (who are unable to form a household themselves). The response to the PCN in this particular case confirmed that "no carers reside at the home permanently. All staff have their own residential premises".

4.3 As the use does not fall within use Class C3(b), it is necessary to determine whether, in fact, there has been a *material* change of use of the property from residential dwellinghouse. This is a fact and degree assessment based on a range of different factors. One of the recent leading authorities in determining the issues at hand is *Kartikeya solutions Limited v Secretary of State for Communities and Local Government [2013] EWHC 2019 (Admin)* which involved a children's home in the London Borough of Waltham Forest. The issues the

original appeal inspector had considered when forming a view on *materiality* included the behaviour of the children: noise, disturbance, extreme behaviour, anti-social behaviour and causing fear to the neighbours; the cumulative activity caused by shift working by the carers, visits from family, friends, social workers and the police and the traffic and parking. The internal character of the property was also considered relevant, including the presence of fire alarms, reinforced doors, fire doors and locks to the room doors. Overall, the character of the use of the site was compared to the type of use typically associated with a Class C3 dwellinghouse and the full extent of the type of use this allows (e.g. multiple car ownership) and was found to be materially different from that under Class C3. This approach was ratified by the above High Court Judgement.

- 4.4 Applying those factors to this particular case, the Council has a large amount of material to draw upon, including submissions from the Parish Council; local residents; information from the Police and information submitted by the company, including through the PCN responses. The PCN responses are considered to be a very reliable form of evidence. In those responses, the company confirmed that the home has a staff team of 10, including a manager. Three staff are on shift each day between 8am-11pm. Two staff then remain on site and commence sleep-in duties from 11am-8pm, with waking nights when needed. Additionally, it appears that staff meetings are held at least once a month, with some months featuring 2 meetings, attended by 5-7 people. The home also has a staff office, which was viewed by Officers at the site visit. The Office has multiple computers, wallcharts and files, and the PCN confirmed that residents are not allowed unsupervised access in the office.
- 4.5 In Officers' opinion these factors all indicate that a material change of use of the property has occurred, and this involves, inter alia, a significant number of vehicle movements beyond that which would be associated with a family home. This is also reinforced by anecdotal evidence from local residents which suggests that parking for the home constantly overflows into the lane. Multiple cars were witnessed parked in the lane by Officers on site.
- 4.6 Furthermore, evidence is also available on issues of noise, disturbance, anti-social behaviour (actual and perceived). From the PCN, 15 incidents involving neighbours were recorded by the company between January and November 2013 regarding a range of issues including parking on the lane, noise, language and verbal abusive. This is corroborated by correspondence between Advanced Childcare and local residents, which included comments on incidents such as

intruders in a local resident's front garden, an intruder in an elderly resident's back garden during the night, and noise and disturbance (involving pursuits) during the early hours of the morning. This anecdotal evidence from local residents also refers to the fear and anxieties regarding incidents and potential incidents, and this is acknowledged by Advanced Childcare in letters sent to local residents in 2013. The above evidence is also supported by the Police. The Council has been informed of the number of call-outs required, and without disclosing sensitive information, this involved up to 11 call-outs per month, with incidences of violence, missing persons and nuisance. It is the view of Officers that these factors indicate a degree of activity, noise and disturbance that exceeds that which would normally be associated with a dwellinghouse. It also indicates an actual and perceived potential for anti-social behaviour beyond that associated with a dwellinghouse use.

- 4.7 The physical findings from the Officers' site visit must also be considered. The downstairs of the property appears as a typical C3 (dwellinghouse) use, with a shared lounge, kitchen, dining area and garden. Signs are in place to instruct with the use of facilities, but these are not atypical of a shared occupancy premises. The upstairs of the property has a number of rooms, all of which have been fitted with locks. The staff office was of a significant size, with multiple computers and workspace, with a secure lock to the door. A staff only bedroom was located within the office, and another bedroom was also for staff only.
- 4.8 Overall, it is the considered opinion of Officers that, notwithstanding the potential for anti-social behaviour, multiple car ownership and the general activity associated with a Class C3 dwellinghouse, all of the factors mentioned above cumulatively result in a use which is materially different from a Class C3 dwellinghouse, and permission is required for this material change of use.
- 4.9 Officers have then considered whether it is likely that planning permission would be granted for the material change of use involved. Concerns can be primarily divided into two issues – the impact of the use on residential amenity and the rural character of the area, and the sustainability of the location.
- 4.10 With regards to amenity, the site is located in the Green Belt at the end of a lane which is typified by its rural qualities, with any unusual noise or disturbance likely to only be agricultural in nature. The lane is a no through route, and so the traffic is likely to be limited only to the occupiers of the houses and their guests. Officers consider that the

actual and perceived degree of activity, noise, disturbance and potential for anti-social behaviour in close proximity to existing residential uses is harmful to the residential amenity expected by neighbouring occupiers and the rural character of the area. Whilst the site is only immediately adjoined by one property, due to the above characteristics of the area, any noise or disturbance (e.g. requiring police presence) is likely to impact on the amenity of a wider number of properties. Cumulatively, the additional level of activity when compared to a Class C3 (residential) use is considered to represent sufficient harm to residential amenity and the character of the area so as to warrant refusal of the application under Policy ENV1.

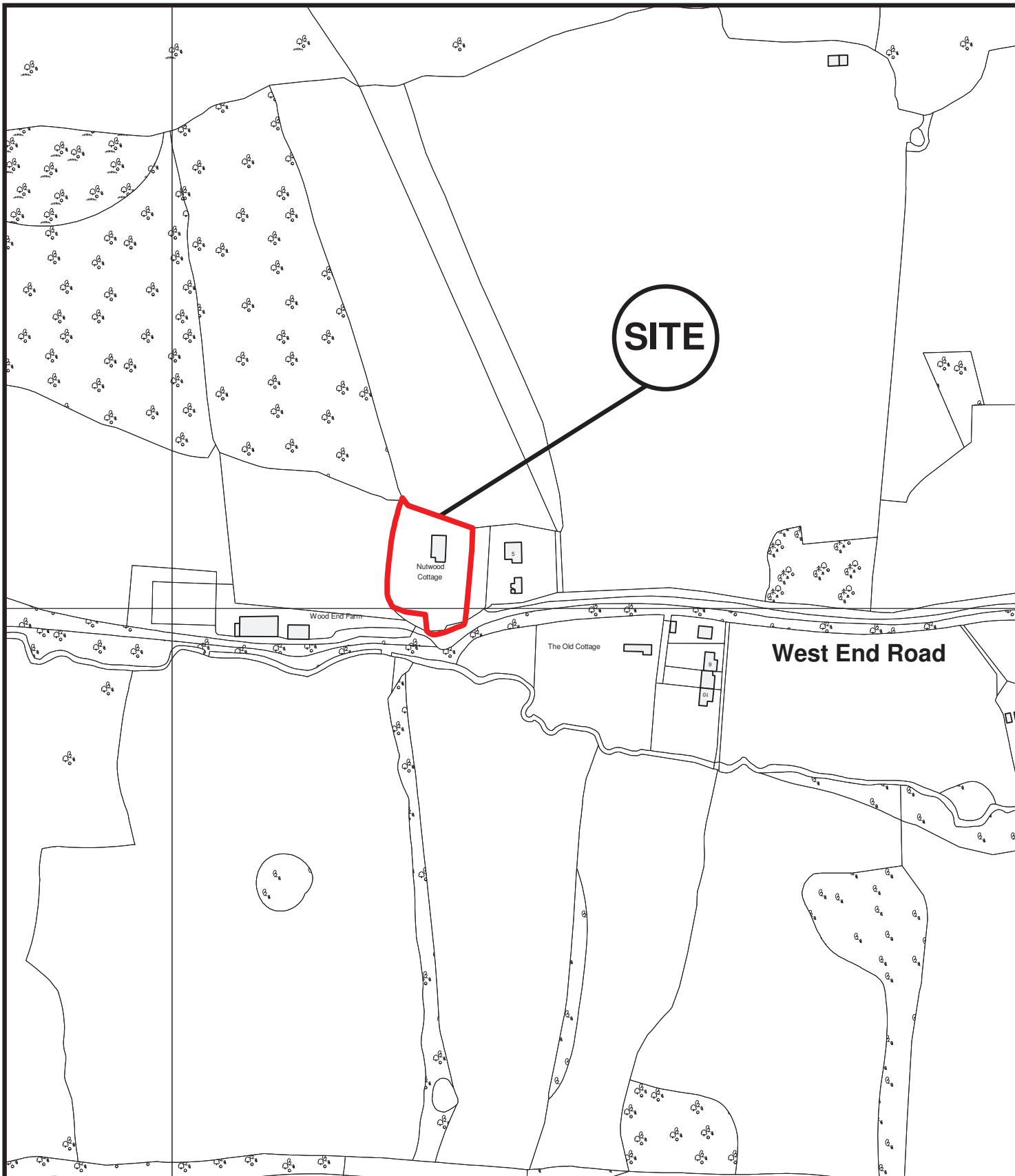
- 4.11 Additionally, Officers have also considered the sustainability of the location. The site is located outside of any settlement boundary and is within the Green Belt and, whilst the use is unlikely to impact on the openness of the Green Belt to the extent that it represents inappropriate development, the use is likely to generate significant additional vehicle movements and activity in an unsustainable location. This is typified by the number of staff required to visit the site, staff meetings held on site and the attendance of other agencies or bodies such as the Police and Ambulance service. The young people would also be reliant on private transport for visits to and from the site. As a result, Officers consider that the use of the premises as a children's home in a results in an unsustainable form of development which is heavily reliant on motor vehicles and results in additional traffic movements within the Green Belt. This is at odds with the Council's strategy for development in the District as set out in Policy SD2 and the principles of sustainability contained within the NPPF.

## **5.0 Recommendation**

- 5.1 For the above reasons, it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the cessation of the unauthorised use.

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

**Address: Nutwood Cottage, West End Road, Wormley West End, EN10 7QN**

**Reference: E/13/0221/B**

**Scale: 1:2500**

**O.S Sheet: TL3306**

**Date of Print: 12 June 2014**

**Site Area: 0.0019573529 Sq KM (cartesian)**

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# Agenda Item 6

EAST HERTFORDSHIRE DISTRICT COUNCIL  
DEVELOPMENT CONTROL COMMITTEE – 7 JANUARY 2015  
ITEMS FOR REPORT AND NOTING

(A) APPEALS

Director of Neighbourhood Services  
(Development Management)

Application number: 3/12/2063/FP  
Recommendation: Permission grant and conditions  
Level of Decision: Committee – 14 August 2013  
Site: Garage site to the North of 9 Three Stiles, Benington, Stevenage, Hertfordshire, SG2 7LD  
Appellant: South Anglia Housing  
Prop. Demolition of the existing 3 no. garage blocks and  
Development: erection of 4 no. two storey semi-detached houses with three bedrooms, private amenity space and car parking

Appeal Decision Allowed

Application number: 3/14/1338/FP  
Recommendation: Permission refuse  
Level of Decision: Delegated – 30 September 2014  
Site: 9 Lords Avenue, Bishop's Stortford, Herts, CM23 4PB  
Appellant: Mr K Kirby  
Prop. Two storey side extension with conversion of garage to  
Development: habitable room and single storey rear extension and hardstanding to create one additional parking space.

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 Manager – Extn: 1553.

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## Appeal Decision

Site visit made on 13 October 2014

by **C L Sherratt DipURP MRTPI**

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

Decision date: 8 December 2014

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**Appeal Ref: APP/J1915/A/13/2204849**

**Garage site to the North of 9 Three Stiles, Benington, Stevenage SG2 7LD**

- 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 South Anglia Housing against the decision of East Hertfordshire District Council.
  - The application Ref 3/12/2063/FP, dated 4 December 2012, was refused by notice dated 14 August 2013.
  - The development proposed is for the demolition of the existing 3 no. garage blocks and the erection of 4 no. two storey semi-detached houses with three bedrooms, private amenity space and car parking.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing 3 no. garage blocks and the erection of 4 no. two storey semi-detached houses with three bedrooms, private amenity space and car parking at Garage site to the North of 9 Three Stiles, Benington, Stevenage SG2 7LD in accordance with the terms of the application, Ref 3/12/2063/FP, dated 4 December 2012, and the plans submitted with it, subject to the conditions set out in the Schedule attached.

### Main Issues

2. The main issues are the effect of the development on:
  - (a) the availability of off-street parking in the area;
  - (b) the character of the area.

### Reasons

3. The proposal comprises the demolition of three garage blocks and the erection of 4 no. three bedroom affordable dwellings. The appeal site is located to the rear of existing properties. It would be accessed using the existing single width access that serves the garages, situated between 8 and 9 Three Stiles.
4. The village of Benington lies within the Rural Area beyond the Green Belt. It is designated as a Category 2 village where saved Policy GBC3 of the East Herts Local Plan Second Review (LP) allows for limited infill development in accordance with Policy OSV2 (ii). Policy OSV2 stipulates that infill housing development which meets a local need may be permitted within the built up area of the village. The appeal site is adjacent to Benington Conservation Area.

### Off-street parking provision

5. It is accepted that sufficient off-street parking would be provided to meet the parking requirements of future occupiers of the proposed development in accordance with the Council's Supplementary Planning Document on Parking Standards. However, 25 garages would be demolished should the development proceed. The Council is concerned that the additional pressure for on-street parking would be detrimental to the living conditions of the occupiers of existing properties, particularly having regard to the approval of two similar schemes in the immediate area.
6. The results of an occupancy survey in October 2012 demonstrated that 13 garages were void and of the 12 let to Benington residents, 4 were used for parking. However, 2 tenants did not respond so it may be that a further 2 garages were potentially used for parking and the rest for storage. The appellant no longer makes these garages available having terminated all agreements which concluded in March 2013. Indeed, there is no obligation upon the appellant to provide the garages or make alternative off-street parking available.
7. The appellants commissioned a parking survey undertaken at 04.00 hrs on consecutive week days in March 2013. It is not clear to me, how many of the tenancy agreements for the garages had already expired at this stage although at most, there would have been no more than 6 that were still used for parking based on the earlier occupancy survey. The parking survey demonstrated that along Three Stiles and Blacksmiths Hill the full displaced car parking (25 spaces) could easily be accommodated, although given the restricted width of the road in some areas, this would include those sections where I saw that vehicles are parked partially mounted on the footpath. Bearing this in mind, even if only half the spaces identified on the survey had been available, these would have accommodated 22 vehicles; far in excess of the 6 garage spaces used for parking a vehicle. At the time of my visit, there were on-street parking spaces available close to the site. However, I am mindful that I visited during the day when many residents would have been at work.
8. I saw that the survey looked at availability over quite a distance and potentially over a distance beyond that where residents may reasonably be expected to walk. Nevertheless, existing residents with no off-street parking purchased their properties in that knowledge and so must expect that it may not always be possible to park outside or close to their property. Given the availability of spaces, I find it unlikely that the demolition of the garages on the appeal site, would add to the competition for on-street parking to such an extent that it would unduly compromise the living conditions of existing residents.
9. The Council found no reason to withhold planning permission for the two other applications that involve the demolition of garage blocks and the erection of houses on land off Blacksmiths Hill. The current proposal would not add substantially to the number of displaced parking spaces already permitted by the Council, even assuming the tenancy agreements for the 6 garages used for parking had not expired at the time of the parking survey.
10. To conclude, the proposed development would not unacceptably harm the amenities of existing residents by virtue of the loss of existing parking provision or increased demand for on-street parking. I find no conflict with LP Policy ENV1 in this regard.

### Character of the area

11. The site is situated to the rear of existing properties and so will not be read as part of the street scene. The site clearly forms part of the built-form of the village, being an existing developed site. In light of this, I do not accept the Council's proposition that the development would encroach into the countryside; it already does so. The development would therefore satisfactorily integrate into the existing built form of the village and I find no conflict with Policy OSV2 as a matter of principle.
12. The appeal site is adjacent to Benington Conservation Area. The existing garage blocks do not enhance the quality of the area. It is appreciated that the two storey properties would introduce a taller form of development into the site than the existing garages. However, the development would respect the character and visual quality of the area. It would be more in keeping and sympathetic to the surrounding area than the existing garage blocks.
13. There are no trees on the site itself but there are trees adjoining the site which are to be protected. A tree survey and ecological survey accompany the application which recommends that method statements are agreed.
14. To conclude, the proposed development would not harm the character and appearance of the surrounding area. I find no conflict with policies EV1 and OSV2 that require development proposals to be sensitively designed and demonstrate compatibility with the structure and layout of the surrounding area and complement the existing grain of development.

### Other matters

15. The access to the appeal site is only single width. As well as providing access to the garages, there is access to the rear of properties 9, 9a, 10 and 10a Three Stiles. It is proposed that all of these rights of access would be retained. Such matters would nevertheless be private matters between the occupiers of the properties that lawfully benefit from these rights and any forthcoming planning permission would not avoid any responsibility on the developer to maintain any lawful rights of access. In addition there is a claimed right of way at the sites north east corner which provides access onto the footpath and the surrounding open fields which should be retained.
16. There would be some conflict between vehicles and pedestrians using the site access. However, vehicles would be travelling at slow speeds and it is a conflict that already exists. Indeed, if the garages were fully occupied for the use of parking resident's vehicles, the conflict would potentially be greater. Furthermore, I am mindful that the relevant highway authority is satisfied that the existing width of access is adequate to serve four residential properties. In addition, for a development of 5 units or less, the highway authority would not request turning facilities for emergency or refuge vehicles as access would be onto a residential road.
17. Given that no turning head is provided within the site that would enable access by some emergency vehicles, a comprehensive sprinkler system with detectors would be required within the dwellings to satisfy building regulations approval in relation to fire safety. It would be necessary for residents to transport their bins and recycling boxes down the access road on collection day, in excess of the Council's maximum distance. These are not considerations that would

justify planning permission being withheld for an otherwise acceptable scheme that would help boost the supply of housing in accordance with the government's objectives.

#### Conditions

18. The Council has suggested a number of conditions that should be imposed on any planning permission should the appeal succeed. It would be necessary to impose a statutory time limit to comply with the requirements of the Act and to ensure that the development is carried out in accordance with the approved plans.
19. To safeguard the character and appearance of the area and of the development, I agree that it is necessary to agree details of external materials, boundary treatments, the protection of existing trees, hard and soft landscaping and external lighting. A method construction scheme is necessary to protect the living conditions of nearby residents throughout construction. To ensure adequate amenity for future residents, details of measures for the storage and removal of refuse shall be agreed. A scheme of measures to address any land contamination and groundwater issues together with the subsequent implementation of an agreed scheme is necessary to minimise and prevent pollution of the land and the water environment. Surface water drainage works should be agreed and implemented to ensure surface water flows from the site are effectively managed, particularly in light of representations about flooding on the site in the past.
20. In the interests of highway safety it is necessary to require the provision of parking spaces within the site prior to the first occupation of any dwellings and the construction of the access and footpath in accordance with surfacing materials to be agreed. A requirement to ensure that the pedestrian access to the north east corner of the site is retained through an appropriate layout is reasonable in the interests of the wider community.

#### Conclusions

21. For the reasons given above I conclude that the appeal should be allowed.

*Claire Sherratt*

Inspector



### Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: Site Location Plan, 101E, 200A, 300A, 301A, 310A.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of development hereby approved, details of facilities to be provided for the storage and removal of refuse from the site shall be submitted to and approved in writing by the local planning authority, and the development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.
- 6) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 7) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 101 E for 9 cars to be parked.
- 8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 9) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels; hard surfacing materials including the surfacing of the pedestrian access to be retained for members of the public onto the footpath to the north east corner of the site; and external lighting.

- 10) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees immediately adjacent to the site, together with a method statement outlining measures for their protection in the course of development.
- 11) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 12) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 13) Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the submitted plans.
- 14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v) a scheme for recycling/disposing of waste resulting from demolition and construction works
  - vi) wheel washing facilities
  - vii) measures to control the emission of dust and dirt during construction
  - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works

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## Appeal Decision

Site visit made on 25 November 2014

by **L Gibbons BA (Hons) MRTPI**

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

Decision date: 10 December 2014

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**Appeal Ref: APP/J1915/D/14/2227540**

**9 Lords Avenue, Bishop's Stortford, Hertfordshire CM23 4PB**

- 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 K Kirby against the decision of East Hertfordshire District Council.
  - The application Ref 3/14/1338/FP, dated 21 July 2014, was refused by notice dated 30 September 2014.
  - The development proposed is a double storey side extension and single storey rear extension.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 7 Lords Avenue in respect of outlook.

### Reasons

3. The appeal site is within an estate of modern houses which are a mix of sizes and types. The appeal property is a house with parking to the front, a small front garden and a larger garden to the rear. The proposed development would involve the loss of the garage and its replacement with a two storey side extension.
4. The appeal site is adjacent to No 7 Lords Avenue to the north. This is one of a pair of small single bedroom semi-detached properties on the corner of Lords Avenue and Cromwell Road. No 7 has a very small front garden and also a small garden to the south which serves as the main amenity area of that property. A driveway to the south of the garden forms the boundary with No 9. The east boundary of the side garden comprises a very tall brick wall. Whilst the garden is open to the pavement, as a result of its small size and boundary at the rear, it feels slightly enclosed. The garage is visible on the boundary with No 7. It is a single-storey structure with a pitched roof and due to its fairly low height and roof design it is not overly prominent.
5. There are small windows on the ground and first-floor of No 7, which face towards the garage and parking area of No 9. Two of these windows serve a bedroom and the lounge, although there are also larger windows in these rooms which face towards Lords Avenue. One of the south facing windows is in the kitchen, this serves as the only window for this room.

6. The replacement two-storey extension would be much taller than the existing garage. Due to the increase in height and bulk of the two story extension coupled with its position immediately adjoining the boundary with No 7, this would result in a significantly increased sense of enclosure. This would be detrimental to the occupiers of No 7 particularly when within the garden. Moreover, the extension would also be seen from the kitchen, bedroom and lounge. I accept the secondary nature of these windows; nevertheless the proposed scheme would appear overbearing and dominant to the occupiers of No 7 when seen from these rooms.
7. I note that the extension would result in the removal of the windows at No 9 which face towards the garden of No 7, however these serve hallways and stairs and therefore I do not accept that any gain in a reduction of overlooking would outweigh the harm caused.
8. For the reasons given above, I conclude that the proposed development would cause harm to the living conditions of the occupiers of No 7 Lords Avenue in respect of outlook. It would be in conflict with policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review 2007 which amongst other things seeks new development that respects the amenity of occupiers of neighbouring buildings.

*Other matters*

9. The council do not object to the scheme in respect of the effect on the character and appearance of the host property and I agree that the proposed design would be acceptable in this regard. The single story rear extension would not be highly visible from the rear of adjoining properties and in this way it would not have a negative impact. Although the garage would be replaced, one additional parking space would be provided and this would be acceptable. However, these matters are not sufficient to outweigh the harm I have found.

**Conclusion**

10. For the above reasons and having regard to all other matters raised including the concerns of neighbours in relation to boundaries, the appeal should be dismissed.

*L Gibbons*

INSPECTOR

**(B) PLANNING APPEALS LODGED**

Director of Neighbourhood Services  
(Development Management)

<b>Application No:</b>	<b>Description Location</b>	<b>Decision</b>	<b>Appeal Start Date</b>	<b>Appeal Mode</b>
3/14/1170/FP	Part two storey part single storey rear extension and new first floor flank window <b>42, Sayesbury Road, Sawbridgeworth, Herts, CM21 0EB</b>	Refused  Delegated	11 December 2014	Householder Appeal Service
3/14/1293/FP	First floor and single storey front extensions , additional first floor window in flank elevation and alteration to rear decking steps . <b>17 Carrigans, Bishop's Stortford, Hertfordshire, CM23 2SL</b>	Refused  Delegated	12 December 2014	Householder Appeal Service
3/14/1314/FP	Single storey rear extension <b>3 Red Brick Cottage, Ducketts Lane, Green Tye, Much Hadham, Hertfordshire, SG10 6JN</b>	Refused  Delegated	15 December 2014	Householder Appeal Service
3/14/1355/FP	Change of use from a turkey barn (barn 2) into commercial storage (B8 storage and distribution) - Retrospective. Change of use from a grain store (barn 14) into commercial storage	Refused  Delegated	09 December 2014	Written Evidence

	(B8 storage and distribution). <b>Eastwick Hall Farm, Eastwick, Harlow, Hertfordshire, CM20 2RA</b>			
3/14/1499/FP	Insertion of 1no roof light to rear elevation <b>14, Violets Lane, The Old Brewery, Furneux Pelham, Herts, SG9 0LF</b>	Refused Delegated	26 November 2014	Written Evidence
3/14/1500/LB	Insertion of 1no roof light to rear elevation <b>14 The Old Brewery, Violets Lane, The Old Brewery, Furneux Pelham, Herts, SG9 0LF</b>	Refused Delegated	26 November 2014	Written Evidence
3/14/1553/LB	Partially remove the rear ground floor chimney breasts to no. 10 and 12, to block up an existing door opening and to create a new door opening to the staircase that leads down to the basement. <b>8,10,12, Railway Street, Hertford, Herts, SG14 1BG</b>	Refused Delegated	20 November 2014	Written Evidence

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

Background Papers

None.

Contact Officers

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

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## Planning Appeals: Inquiry and Informal Hearing Dates

### Public Inquiries:

Application Number	Location	Proposal	Date
3/14/0528/OP 3/13/0531/OP	Land south of Hare Street Road, Buntingford	Residential redevelopment	6 – 9 and 13, 14 January 2015
3/13/1762/FP	Hertford Regional College, Scotts Road, Ware	New college buildings and enabling residential development	Commence 24 February 2015

### Informal Hearings:

Application Number	Location	Proposal	Date
3/13/1399/OP	Land east of Aspenden Road, Buntingford	Residential redevelopment	21 January 2015

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

None.

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