



Jonathan Geall
Head of Housing and Health and
Acting Head of Legal and Democratic
Services

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 8 JANUARY 2020
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor B Deering (Chairman)

Councillors D Andrews, T Beckett, R Buckmaster, B Crystall, R Fernando,
J Jones, I Kemp, T Page, C Redfern, P Ruffles and T Stowe

Substitutes

| | |
|-------------------------|--|
| Conservative Group: | Councillors S Bull, A Huggins and J Kaye |
| Liberal Democrat Group: | Councillor J Dumont |
| Labour | Councillor M Brady |
| Green | Councillor J Frecknall |

(Note: Substitution arrangements must be notified by the absent Member to the Committee Chairman or the Executive Member for Planning and Growth, who, in turn, will notify the Committee service at least 7 hours before commencement of the meeting.)

CONTACT OFFICER: PETER MANNINGS

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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.

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AGENDA

1. Appointment of Vice-Chairman

2. Apologies

To receive apologies for absence.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' declarations of interest.

5. Minutes - 4 December 2019 (Pages 7 - 12)

To confirm the Minutes of the meeting of the Committee held on Wednesday 4 December 2019.

6. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 13 - 18)

(A) 3/19/1882/FUL - Demolition of western part of Leisure Centre and northern part of plant building. Construction of 2 storey extension to leisure centre incorporating a ground floor café with outside seating and construction of 1 detached substation.
Rearrangement of part of car park and cycle storage at Hartham Leisure Centre, Hartham Lane, Hertford_(Pages 19 - 50)

Recommended for Approval

- (B) 3/19/2218/FUL - Change of use of part of the ground floor from B1 (Office/light industrial) to D2 (fitness centre) for a temporary period of 3 years together with associated elevational alterations including provision of new entrance doors and access ramp, ventilation louvres, lighting and 3 AC condensers at Biomarsh House, 8 Fountain Drive, Hertford, SG13 7UB_(Pages 51 - 64)

Recommended for Approval

- (C) 3/19/2313/FUL - Refurbishment of play area including alterations to railings, proposed new paths, play equipment, safety surfacing and signage at Hartham Common Play Area, Hartham Lane, Hertford, SG14 1QR_(Pages 65 - 72)

Recommended for Approval.

7. Items for Reporting and Noting (Pages 73 - 112)

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

- (B) Planning Appeals Lodged.

- (C) Planning Statistics.

8. 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.

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 4 DECEMBER 2019, AT 7.00
PM

PRESENT: Councillor B Deering (Chairman)
Councillors D Andrews, T Beckett,
R Buckmaster, B Crystall, A Huggins,
J Jones, I Kemp, T Page, C Redfern, P Ruffles
and T Stowe

ALSO PRESENT:

Councillors S Bull, J Goodeve and L Haysey

OFFICERS IN ATTENDANCE:

| | |
|------------------|--|
| Peter Mannings | - Democratic Services Officer |
| Jenny Pierce | - Principal Planning Officer |
| Sara Saunders | - Head of Planning and Building Control |
| David Snell | - Service Manager (Development Management) |
| Victoria Wilders | - Legal Services Manager |

252 CHAIRMAN'S ANNOUNCEMENTS

Councillor B Deering, presiding as Chairman, referred to a number of housekeeping issues. He said that he was chairing this meeting as Councillor T Page had decided to step down as Chairman after 3.5 years in this role.

On behalf of the Development Management Committee, the Chairman expressed how impressed Members of the Committee had been by the way in which Councillor Page had fulfilled the role of Chairman. He said that Councillor Page had presided over his first meeting as Chairman on 25 May 2016 and he had been Chairman for 113 decisions made by the Committee.

Councillor Page had throughout this time attached great importance to the integrity of this Committee. He concluded that he believed this approach to be highly creditable and thanked Councillor Page for his service as Chairman.

Councillor T Page thanked the Chairman for his kind words and said that it had been a privilege to be Chairman of the Development Management Committee.

253 MINUTES - 6 NOVEMBER 2019

Councillor B Crystall commented on some additional narrative he believed should be added to the Minutes of the 6 November meeting. The Chairman said he felt the minutes were a true record of the Committee's decisions and that minutes were not meant to be a

verbatim record. The Legal Services Manager endorsed this position.

Councillor D Andrews proposed and Councillor T Stowe seconded, a motion that the Minutes of the meeting held on 6 November 2019 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 6 November 2019, be confirmed as a correct record and signed by the Chairman.

254 3/19/1856/HH - FIRST FLOOR REAR EXTENSION AT 47 DOVE CLOSE, BISHOP'S STORTFORD, CM23 4JD

The Head of Planning and Building Control recommended that in respect of application 3/19/1856/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

The Chairman reminded Members that application 3/19/1856/HH was before the Committee as the applicant was an Officer of the Authority. Councillor I Kemp referred to integrity and transparency and commended Officers for following industry best practice in submitting the application to Members for a decision.

Councillor Kemp said that the application appeared to be sensible and would have no impact on neighbours. He stated that he attached considerable weight to the fact that there had been no objections from neighbours.

It was moved by Councillor R Buckmaster and seconded by Councillor J Jones that application 3/19/1865/HH be granted subject to the conditions detailed in the report submitted. After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/19/1856/HH, planning permission be granted subject to the conditions detailed in the report.

255 ITEMS FOR REPORTING AND NOTING

The Chairman said that the appeals information was very informative and was reflective of the significant workload that Officers received. He commented on the outcome of appeals and referred in particular to the good rate of appeals that were dismissed, i.e. where the decisions of the Authority were upheld by the planning inspectorate.

Councillor J Jones expressed his concern and disappointment that the appeal decisions in respect of the Great Hadham Golf and Country Club had been that the appeal was allowed.

RESOLVED – that the following reports be noted:

- (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.

Councillor D Andrews made a number of comments regarding a target set down in UK law that greenhouse gas emissions should be net zero by 2050. He said that 20% of those emissions came from buildings, namely housing.

Councillor Andrews said that Members of this Committee should keep this target in mind when carrying out their work, in the same way as Officers would be. He commented on the fact that a lot of East Herts housing could not be brought up to standard as it was heritage stock.

Councillor D Andrews referred to government future homes standards to reduce emissions from new housing by 75 – 80% by 2025. He encouraged Members to engage in training sessions or site visits to promote the driving down of emissions and the driving up of standards.

The Executive Member for Planning and Growth, the Leader and the Head of Planning and Building Control made a number of points in response to the comments made by Councillor Andrews. The Head acknowledged the possibility of some training in respect of Supplementary Planning Documents.

The meeting closed at 7.22 pm

Chairman

Date

EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 08 JANUARY 2020

REPORT BY HEAD OF PLANNING AND BUILDING CONTROL

PLANNING APPLICATIONS AND UNAUTHORISED DEVELOPMENT FOR
CONSIDERATION BY THE COMMITTEE

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

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.

RECOMMENDATION FOR DEVELOPMENT MANAGEMENT COMMITTEE

That:

| | |
|------------|--|
| (A) | A recommendation is detailed separately for each application and unauthorised development matter. |
|------------|--|

1.0 Background

1.1 The background in relation to each planning application and enforcement matter included in this agenda is set out in the individual reports.

2.0 Report

2.1 Display of Plans

2.2 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.

2.3 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>

2.4 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.

3.0 Implications/Consultations

3.1 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 Jan Goodeve – Executive Member for Planning and Growth.

Contact Officer: Sara Saunders – Head of Planning and Building Control, Extn: 01992 531656.
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Report Author: Sara Saunders – Head of Planning and Building Control, Tel: 01992 531656.
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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

| | |
|---|---|
| Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> : | Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy |
| Consultation: | As detailed separately in relation to each matter if any are appropriate. |
| Legal: | As detailed separately in relation to each matter if any are appropriate. |
| Financial: | As detailed separately in relation to each matter if any are appropriate. |
| Human Resource: | As detailed separately in relation to each matter if any are appropriate. |
| Risk Management: | As detailed separately in relation to each matter if any are appropriate. |
| Health and wellbeing – issues and impacts: | As detailed separately in relation to each matter if any are appropriate. |
| Equality, diversity and human rights considerations, and whether Equality Impact Assessment required: | As detailed separately in relation to each matter if any are appropriate. |
| Environmental Sustainability | As detailed separately in relation to each matter if any are appropriate. |

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DEVELOPMENT MANAGEMENT COMMITTEE – 8 JANUARY 2020

| | |
|---------------------------|---|
| Application Number | 3/19/1882/FUL |
| Proposal | Demolition of western part of Leisure Centre and northern part of plant building. Construction of 2 storey extension to leisure centre incorporating a ground floor café with outside seating and construction of 1 detached substation. Rearrangement of part of car park and cycle storage. |
| Location | Hartham Leisure Centre Hartham Lane Hertford SG14 1QR |
| Parish | Hertford Town Council |
| Ward | Hertford Bengo |

| | |
|--|---------------------|
| Date of Registration of Application | 20 September 2019 |
| Target Determination Date | 20 December 2019 |
| Reason for Committee Report | Council Application |
| Case Officer | Jill Shingler |

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

1.1 The proposal seeks permission for the demolition of existing 1998 single story extension on the western side of the leisure centre and the erection of a two storey replacement extension to provide increased gym and studio space, children’s soft play area and café facility. The works also include changes to the plant building to the front of the site and the erection of a further sub station building, together with changes to the layout of the existing car park and cycle parking facilities.

- 1.2 As part of the overall scheme the existing swimming pool and associated facilities are also to be upgraded, but these works are within the existing building and do not entail any external works that would require planning permission.
- 1.3 The main part of the existing leisure centre building, which is to be retained is predominantly single storey and its main feature is its extensive light green corrugated metal roof with large overhanging curving eaves. The building was constructed in the late 1980's to enclose the original open air pool. The later extension, approved in the late 1990's is a brick built single storey hexagonal structure which provides a reception area and limited studio and gym space.
- 1.4 The proposal would see the removal of the brick addition, and its replacement with a simply designed two storey extension which adds about 1540 square metres of floorspace, bringing the total size of the leisure centre up to about 3655 square metres.
- 1.5 No changes are proposed to the existing vehicular access which is from Cowbridge/Old Cross to the west of the site, via Hartham Lane. It is proposed to improve the coach drop off facilities at the front of the building and reconfigure the parking area such that there will be 86 car parking spaces and 3 coach parking spaces, together with 56 cycle spaces.
- 1.6 The main issues for Members consideration are:
 - The principle of the development in the Green Belt
 - Leisure provision
 - Design and external appearance
 - The Conservation Area
 - Environmental quality
 - Highways and parking
 - Flood risk and sustainable drainage
 - Climate change
 - The natural environment

2.0 Site Description

- 2.1 The red lined application site encompasses approximately 1.06 hectares of Council owned land within Hartham Common. It is within the Green Belt, Hertford Conservation Area and designated Local Green Space-Hertford Green Finger and is located close to the centre of Hertford on the southern edge of Hertford Common. The common is bounded by the River Lea and the River Beane and the park provides playing pitches, children's play facilities and an attractive well treed area for informal recreation.
- 2.2 Vehicular access to the site is via Hartham Lane which leads to the Leisure Centre and to other public car parks that serve the area. Public footpaths enable pedestrian access from north, south, east and west and the National Cycle Route passes the site.
- 2.3 The existing leisure centre and the proposed addition fall within Flood Zone 2
- 2.4 The main visual feature of the existing leisure centre is the series of different height slack pitched light green corrugated metal roofs with extensive curved overhanging eaves feature, which extend over the pool area. There is a substantial mature tree screen close to the rear elevation of the building, which helps screen the building, when viewed from the north. Further trees to the west screen soften views from the approach through the park from the west. The later curved reception block is a more attractive and well-designed element, with zinc roof, and is subservient to the main structure.
- 2.5 The existing main building provides a 33.3 metre swimming pool and separate learner pool, changing village for the pools, male and female dry side changing rooms at ground floor and a narrow gym area at first floor, while the later addition provides a curving studio space and a small gym area as well as the reception area.
- 2.6 The parking for the leisure centre lies to the south and east of the building and there are disabled parking spaces and coach parking spaces close to the entrance.

- 2.7 The main plant area and store for the existing centre is located in a separate building to the front of the site adjacent to the main entrance.

3.0 **Planning History**

The following planning history is of relevance to this proposal:-

| Application Number | Proposal | Decision |
|--------------------|---|-----------------|
| 3/88/1436/DC | Conversion of outdoor pool to indoor pool | Deemed Approval |
| 3/98/1331/FP/FP | Extension to front of leisure centre | Granted |
| 3/08/2089/FP | Windows to enable first floor gym. | Granted |
| 3/10/1901/FP | Car park extension and regrade of earth mound | Granted |

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts District Plan 2018 (DP) and the Consultation Draft (Reg14) Bengeo Neighbourhood Area Plan 2019-2033 (BNAP). The emerging BNAP policies are at a relatively early stage and whilst they are material to the consideration of the planning application they can only be afforded limited weight.

| Main Issue | NPPF | DP Policy | NP Policy |
|--|------------|-----------|-----------|
| Principle of Development. Green Belt and Local Green Space | Section 13 | GBR1, NE4 | |
| Leisure Provision | Section 8 | CFLR1 | HBC2 |
| Health and wellbeing | Section 8 | CFLR9 | HBC2 |

| | | | |
|-------------------------------------|------------|-------------------------------------|--------------------------------------|
| Design and external appearance | Section 12 | DES4 DES5 | |
| Environmental Quality | Section 15 | EQ1,EQ2, EQ3, EQ4 | |
| Highway and parking Implications | Section 9 | TRA1, TRA2, TRA3 | HBT1,HBT2, HBT3, HBT4, HBT5 |
| Flood risk and sustainable drainage | Section 14 | WAT1, WAT3, WAT5, WAT6 | |
| Climate change and water resources. | Section 14 | CC1, CC2, WAT4 | |
| Heritage Assets | Section 16 | HA1, HA2, HA3, HA4, HA7 | HBC3 |
| Natural Environment | Section 15 | NE1, NE2, NE3 | HBH3, HBN3 |

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority acknowledges the good sustainable transport links to the site and does not wish to restrict the grant of permission, subject to conditions.
- 5.2 Lead Local Flood Authority advise the proposed development site can be adequately drained and can mitigate any potential surface water flood risk subject to conditions.

- 5.3 Environment Agency advise that the development is within Flood Zone 2 and standing advice should be followed.
- 5.4 EHDC Environmental Health advise that they raise no objection subject to conditions regarding, sound attenuation and construction management.
- 5.5 EHDC Landscape Officer advises raises concerns with regard to the impact of the development on the park and has suggested a number of landscaping of landscaping conditions.
- 5.6 EHDC Conservation and Urban Design initially raised concern with regard to the design of the extension, particularly with regard to the pattern of fenestration proposed. The amended plans largely overcome these issues and they advise that the less than substantial harm to the conservation area is outweighed by the benefits of the proposal.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town/Parish Council Representations

- 6.1 Hertford Town Council raise strong objection to the proposal on a number of grounds. The design is not suited to the Green Finger of Hartham and the characteristics of the area – its wide openness and greenness. The extension is overbearing and the design does not mitigate this. The design does nothing to reflect the open space and woodland environment. It fails to enhance the characteristics of the conservation area and ignores the openness of the Green Belt. They express concern regarding the planned changes to limit the use of the swimming pool which will no longer be able to be used for scuba diving, life saving training and water polo.

Note - Since the submission of these comments the detail of the fenestration of the building has been amended and the pool details have changed to enable diving etc. to continue at the site.

7.0 Summary of Other Representations

7.1 32 neighbour responses have been received raising the following comments and objections:

- Inappropriate, cheap, industrial style design out of keeping with the parkland setting and with historic character of the area. (21)
- Too many established trees will be lost and inadequate replacement landscaping. (6)
- Sauna and steam room should be included. (3)
- Clip and climb facility should be included. (2)
- Loss of diving facility regrettable.
- Swimming pool should be given more natural light
- Swimming pool should have steps rather than ladders to help older users.
- Internal layout inappropriate- No direct access to pool from female members changing rooms so would have to use changing village.
- Should include provision for badminton and indoor sports.
- Should have green roof.
- Should better address energy usage and CO2 emissions.
- Café welcomed but should be better located where it will get more sun and better views.
- Will not relate well to the proposed new Children's Play area.
- Destroys only part of building of architectural merit.
- Inadequate car parking provision, problems occur when there are events.
- Car park needs to be managed so only leisure centre users can park there.
- Cycle parking should be covered.
- Electric Vehicle charging points should be provided.
- No evidence that the extension is needed,
- Concerned about losing access to studio facilities while works take place
- Existing building and proposed extension obstruct route of public footpath which should be legally diverted.
- Ware facilities also need upgrading, there should be a more balanced spend in the district.

- Support the use of photovoltaics on roof.
- Plans look great.
- Hertford needs a proper leisure centre, could be co- located at one of schools rather than here.
- Pleased to see investment and improvement in facilities.

8.0 Consideration of Issues

Principle of Development

- 8.1 Despite being within very close proximity to the Town Centre, the site lies within the Metropolitan Green Belt wherein only limited additions to existing buildings can be considered appropriate. In this instance the proposals include the removal of the existing extension and must be considered in relation to the size of the original 1980 building. The resulting building will be higher than the existing building and approximately 60% larger than the original building. Therefore it cannot be regarded as proportionate to the original building.
- 8.2 The development is therefore, by definition, inappropriate in the Green Belt and permission should not be granted unless there are very special circumstances sufficient to outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm. This will be explored in the course of the report.

Leisure provision, health and wellbeing

- 8.3 National and Local policies identify the need to promote health and wellbeing and it is recognised that sports and leisure facilities are an important element in achieving a fit and healthy population.
- 8.4 The Council undertook an Open Space and Sports Facility Assessment (OSSFA), which forms part of the Council's District Plan, evidence base and found that whilst the pool provision in the area is considered sufficient for the population growth until 2033, there is a need to improve the existing facilities and expand dryside fitness provision. In addition the report refers to the Max Associates Review

of fitness provision, which identified a significant latent demand for gym membership at Hartham which cannot be met within the current limited facility.

- 8.5 The existing facility at Hartham was examined and it was found that the existing pool area, whilst in need of refurbishment still meets current needs whilst the space available for gym stations and fitness studios is inadequate and poorly configured. The proposed development has been designed to meet this identified need and it is considered that this weighs in favour of the development.
- 8.6 As well as providing for the fitness needs, the proposed extension also incorporates a café area which will serve not only the users of the leisure centre, but also the users of the surrounding park and playing fields. This will replace the café that operated from the adjacent pavilion building to the west of the leisure centre.
- 8.7 The proposal therefore accords with the strategic priorities identified in the Action plan in the OSSFA. Policy CFLR1 of the District Plan states that proposals for new open space, indoor and outdoor sport and recreation facilities which meet identified needs will be encouraged in suitable locations served by a choice of sustainable travel options.
- 8.8 It is considered that the identified need for the enlarged facility, together with the clear benefits of the location with regard to accessibility by the target population, weighs significantly in favour of the development.

Design and External Appearance

- 8.9 The proposal will result in the demolition of the existing extension on the western side of the leisure centre and the erection of a much larger two storey addition. The original pool building is to be retained.

- 8.10 The design has been the subject of discussions with Officers and has been reviewed by the Hertfordshire Design Review Panel. Whilst ideally it would be preferable in design and visual amenity terms to demolish the whole building and start again, as the metal roofed building erected over the original open air pool is far from attractive. However, this has not been proposed and the extension must be considered on its own merits.
- 8.11 Alternative options such as keeping the existing brick built reception area extension and extending instead to the eastern side to provide the gym and studio area, were considered at an early stage. However, this was rejected as it would not enable separation of the wet and dry areas and could not be made to work logistically without the need for two reception areas and potentially a much greater spread of development, including car parking into the undeveloped area of the common, which would have had greater impact on the Green Belt and Green Finger.
- 8.12 The design of the extension, in terms of its size and shape, reflects the nature of the spaces within it. Whilst it is unusual to have an extension to a building that has a higher ridge line than the building being extended, it is considered that the higher roof line will help hide the existing unattractive corrugated metal when viewed from the west. In addition it reflects the fact that the existing building itself has a series of rising ridge heights.
- 8.13 Whilst often an extension would reference the materials of the main building, it is considered that the choice to move away from the light green corrugated metal that dominates the existing building is appropriate. The proposed dark grey cladding is considered to provide a suitable modern contrast. A lighter colour and glazed area provide the link between the two elements.
- 8.14 Considerable concern has been raised by consultees with regard to the design of the proposed building and in particular it's "industrial" appearance. Initially a timber finish had been suggested, but Officers, and the Design Review Panel, raised issue with this, as it would not complement the existing building and, more worryingly,

would be likely weather in an unattractive way, particularly on the north facing elevation which is overshadowed by trees. This elevation would therefore be likely to remain damp for much of the winter and become patchy and stained within a relatively short period of time.

- 8.15 The windows of the proposed extension and details of the cladding have been amended in the course of the application to better reflect the horizontal emphasis of the building and present a more pleasing visual cohesion.
- 8.16 The internal requirements of the building have dictated the scale of the development. The slack roof pitch, matches the existing roof pitch, and helps to minimise the height and volume of the development in the interests of maintaining the openness of the Green Belt, and minimising the visual impact of the development.
- 8.17 Whilst the final design is not to everyone's taste, it is simple and unassuming, and has the benefit of being wide and high enough to screen the main building from view as it is approached from the west. It is not considered that a more complex and intricate design, or the use of more traditional materials would necessarily be appropriate here as it would likely draw attention to the obvious visual shortcomings of the existing metal shed-like building it is extending.

Conservation Area

- 8.18 The site lies within the Hertford Conservation Area and as such any development should preserve or enhance the special interest, character and appearance of the area. Policy HA4 of the adopted District Plan expands on this requirement stating that proposals will be expected to:
- (a) Respect established building lines, layouts and patterns,
 - (b) use materials and adopt design details which reinforce local character and the tradition of the area.

- (c) be of a scale, proportion, form height design and overall character that accords with and complements the surrounding area
- (d) in the case of alterations and extensions , be complementary and sympathetic to the parent building; and
- (e) have regard to any 'Conservation Area Character Appraisals' prepared by the District Council and safeguard all aspects which contribute to the area's special interest and significance, including important views and green spaces.

8.19 The proposal has therefore been considered in relation to this policy;

- (a) The proposed extension respects/continues the existing front and rear building line of the building. Whilst the building stands on its own and not part of a traditional street scene it is considered that maintaining the established depth of the building and not extending further out into the open parkland to the rear is a positive factor, which helps maintain the open character of park, and also does not result in a loss of the exiting playing fields.
- (b) With regard to materials, and design features, this part of the conservation area has no clear palette of materials or design features. The leisure centre is a stand-alone building and its materials and design features are not ones that Officer's consider should be replicated.
- (c) The height proposed is only marginally higher than the existing building and is considered appropriate. The scale of the building, as extended is appropriate to its status as a public leisure facility, and is not overbearing.
- (d) As explained under the Design section above, the extension has been designed as a contemporary addition that complements the existing building but does not seek to replicate it.

(e) The Hertford Conservation Area Appraisal adopted in March 2017 does not identify any important buildings or architectural features in the locality of the leisure centre but identifies the importance of the Common as an open space. The Appraisal states: "Hartham Common. Hartham Common is a 'Green Finger' and an extensive area of open space of high quality which provides recreational and accessible open space some of which is of great environmental, wildlife and ecological importance. It is crossed by the River Beane and the River Lea and woodlands, open areas and playing fields are accessed by an extensive network of footpaths actively used by pedestrians, joggers, cyclists, sportspeople and fishermen. There is a large Leisure Centre and car parking area in the southern part of the site. It is of significant importance to the well-being of the town for the wide variety of reasons briefly referred to above."

- 8.20 The plan that accompanies the Conservation Area Appraisal identifies particularly important trees. It should be noted that the trees to the immediate west of the leisure centre, are proposed to be removed to enable the extension. These trees are annotated on the plan. It is accepted that these trees do contribute to the special interest, character and appearance of the Conservation Area. The trees are mature and at present help to reduce the visual impact of the leisure centre building when viewed from the west.
- 8.21 It is considered that the loss of these trees will have a degree of adverse impact on the special interest, character and appearance of this part of the Conservation Area. Their loss is as a result of the need to extend on the western side, of the building, but it should be noted that whichever way the building were to be extended, there would likely be some loss of well-established trees. However, some of the trees to be lost are identified as being of high landscape value. Compensatory tree planting to the east of the building is proposed but it is not proposed to provide replacement tree screening to the western side of the building.
- 8.22 The submitted supporting documents suggest that the Design Review Panel was happy with the concept of opening up the

western elevation to longer views. However, whilst this was discussed the advice of the DRP was that this would provide an “opportunity to make an interesting architectural feature” and to “positively address the parkland by relocating some outdoor seating here to take advantage of the more comfortable aspect”

- 8.23 As the final design of the building incorporates neither of these two suggestions it is considered that replacement tree planting to soften the visual impact of the western elevation on the natural setting of the park is required, and therefore a condition requiring replacement tree planting is proposed.
- 8.24 The proposed development is not considered to either preserve or enhance the character and appearance of this part of the Conservation Area, which is characterised by its openness, natural setting and established tree screening. There will inevitably be some localised visual harm from the development on the Conservation Area from the development.
- 8.25 The submitted Landscape and Visual Impact Assessment however, demonstrates that the visual impact is low level and limited to the immediate proximity of the leisure centre building when viewed from the south and west. Longer views across the Conservation Area, including across the park from the north and south will not be significantly impacted. The building will not adversely impact on views that have been identified in the Draft Neighbourhood Area Plan as of particular importance. It is considered that the localised visual harm, to the character and appearance of the Conservation Area will be less than substantial: but this identified harm needs to be taken into account in the planning balance, and weighed against the public benefits of the proposal, in accordance with paragraph 196 of the NPPF.
- 8.26 The clear public benefit of achieving expanded and improved public sports provision, for which there is an identified need, and which will enhance health and wellbeing is considered to be sufficient to outweigh the less than substantial harm identified, to this part of the Conservation Area.

Environmental Quality

- 8.27 A Phase II Geoenvironmental Assessment was submitted with the application to assess risks with regard to contamination. This has been considered by the Environmental Health Officer, and is considered to provide a robust assessment. Having regard to the end use, no soil, ground water or ground gas risks were identified therefore no remediation measures are required.
- 8.28 The development is not expected to result in any excessive noise or light pollution. Whilst there is potential for some noise from people utilising the external café seating area, the noise is unlikely to be greater than is generated by the adjacent playing fields and play areas. A noise assessment was submitted with the application and concluded that noise from the adjacent river was the dominant noise source.
- 8.29 A condition is recommended by Environmental Health to restrict noise from any external plant, to ensure that there is no adverse impact on residents. The nearest residents are those living on house boats on the river approximately 48 metres away from the site.
- 8.30 Conditions to restrict construction working hours and to require submission of a construction management plan to minimise disruption during construction are also proposed.
- 8.31 The lack of harm from the development to the environment in terms of contamination, light and noise carries neutral weight.

Highways and Parking

- 8.32 Despite the increase in size of the building, over that of the existing, no additional car parking spaces are proposed. The application was accompanied by a parking review and a transport statement has been submitted.

- 8.33 The site is well served by public transport and is readily accessible by walking or cycling. There are currently 57 cycle parking spaces on site, although being relocated within the revised layout, no additional spaces are proposed. It is considered that further spaces, including covered long term spaces (for staff) are required in accordance with policy and a condition is proposed to secure this.
- 8.34 The parking provision falls well short of the level set out in the parking standards (93 car spaces compared to the maximum adopted standard of 243 spaces and the level of 183 spaces when the Zone 4 accessibility reduction is applied). However, the parking assessment submitted, which highlights the close proximity of other public car parks and the relatively limited times at which the car parks are full to capacity, provides a robust basis for accepting a lower provision here. The lack of parking will help discourage people from driving into Hertford, which already suffers from traffic congestion and issues with air quality.
- 8.35 Furthermore, to require increased parking to meet the maximum standard would have a significantly adverse impact on the openness of the Green Belt and on the character and appearance of the Conservation Area and would significantly erode the natural landscape of the park.
- 8.36 The development is not expected to generate significant additional traffic on surrounding roads and no changes are proposed to the existing access.
- 8.37 The Highway Authority has raised no objection to the proposal, and is happy that the site is well served by foot and cycle paths and by public transport. Conditions are to be imposed to ensure that a travel plan is produced, to demonstrate how staff and customers will be encouraged to use alternate modes of transport to the site. In addition a car park management plan is required to better restrict the use of the car park to those utilising the leisure facilities.

- 8.38 The Highway Authority has identified that the proposed extension to the building, “clips” the route a public footpath (88), however it appears that the existing building and car park likewise impact on the lawful route of the footpath, which has therefore apparently been diverted without formal approval for a great many years.
- 8.39 Whilst the proposals do not require any change to the current position of the path (as it currently exists on the ground) there will be a need to apply to formally divert the right of way, to its current apparently unlawful, position.
- 8.40 An application for footpath diversion can be submitted separate to the planning application process and does not prevent determination of the planning application.
- 8.41 The scheme is considered to comply with the policies of the District Plan with regard to safe and convenient access to all users.
- 8.42 The sustainable location of the development, and its connectivity, are considered to add limited weight in favour of the development.

Flood risk and Sustainable Drainage

- 8.43 The leisure centre building is located within the Flood Zone 2. Generally new development should be directed to areas at least risk of flooding. In this instance the proposed development is an extension and by default cannot avoid being within the flood zone.
- 8.44 The application was accompanied by a flood risk assessment, and the proposals include the provision of sustainable drainage such that there will be no increased risk of flooding elsewhere as a result of the development. The building itself has also been designed with a high level of flood resilience.
- 8.45 The Lead Local Flood Authority (LFA) has raised no objection to the proposals subject to conditions.

Climate Change

- 8.46 The District Plan seeks to ensure that new development is adaptable to climate change i.e. is designed to minimise overheating in summer and reduce the need for heating in winter, and can demonstrate how carbon dioxide emissions will be minimised across the development site. Achieving standards beyond the requirements of Building Regulations is encouraged.
- 8.47 An Energy and Sustainability Statement has been submitted which advises that with the inclusion of low energy design principles and Low/Zero carbon technologies (including solar photovoltaics on the south facing roof of the extension) the development results in a reduction in CO₂ emissions of 2.3% compared to a notional building. Given that the Council is generally seeking to achieve exemplary standards of carbon reduction in new development, this low level is disappointing, however, it is sufficient to meet the current policy requirements.
- 8.48 The development is very well located to meet the needs of the community without encouraging additional vehicular traffic movements. The town centre location and the extensive foot and cycle network around the site mean that walking, cycling and public transport can be utilised to access the facility. No additional parking spaces are proposed and a Travel Plan is proposed to show how both staff and customers will be incentivised not to travel by car.
- 8.49 It is considered that the locational benefits of the development together with the small reduction in carbon emissions beyond current requirements add limited weight in favour of the development.

Natural Environment

- 8.50 District Plan policies require that developments result in a net increase in the ecological value of a site. Hartham Common, which wraps around 3 sides of the leisure centre is identified by Hertfordshire Ecology, as an Ecosite. Ecosites do not have any form

of status of importance, but are sites on which there is some existing ecological information. They do not meet the rigorous and quantifiable assessment criteria needed to identify them as non-statutory Local Wildlife Sites.

- 8.51 The application was accompanied by an ecology report and the site itself, including the buildings and car park, is not considered to support significant habitats or protected species, other than potentially nesting birds. Hertfordshire Ecology have confirmed that this report is adequate and that no further surveys are necessary.
- 8.52 The trees that are to be removed are to be replaced, and whilst a small amount of amenity grassland is to be lost this will be suitably mitigated with an area of new wildflower grassland, also at the eastern end of the site. The river, which runs in front of the leisure centre, will not be impacted.
- 8.53 Hertfordshire Ecology are satisfied that suitable mitigation and enhancement can be made and have suggested conditions including a requirement for submission of a Landscape and Biodiversity Plan to ensure a net gain in ecological value is achieved.
- 8.54 The development is therefore considered to comply with the policy requirement with regard to biodiversity and this carries neutral weight in the consideration of the proposals.

Other Matters

- 8.55 Comments have been received suggesting that other facilities should have been included within the development, such as a climbing wall, squash courts and indoor sports hall facilities for badminton etc. It is not considered that this is relevant to the determination of the planning application. The proposed facilities have been justified in terms of the identified need for increased gym and studio facilities and must be considered on its own merits.

- 8.56 Concern has been raised regarding the temporary loss of the gym/studio facilities while the extension is being built. Whilst not directly relevant to the determination of this application, Members should be aware that the Council is seeking to address this issue by providing temporary gym facilities within a currently vacant industrial building in Fountain Drive. The application (ref: 3/19/2218/FUL) for the temporary change of use to facilitate this continuity of service is to be considered later in this agenda.
- 8.57 Objections have been received regarding a reduction of the depth of the main pool. However, the submitted Design and Access Statement makes it clear that the existing deep water area of the main pool is to be retained at circa 3.1m (10'2"). Earlier suggestions of a reduction in depth were dropped following concerns raised during pre-application public consultation.

9.0 Planning Balance and Conclusion

- 9.1 The proposed extension, at approximately a 60% increase in floorspace over and above that of the original building. This is larger than that which could be considered to be proportionate to the size of the original building. The proposal therefore amounts to inappropriate development in the Green Belt and by definition harmful. In addition to the harm by reason of inappropriateness there will be some physical loss to the openness of the Green Belt and it is considered that the development fails to preserve or enhance the character of this part of the Conservation Area.
- 9.2 Therefore in order to be acceptable in Green Belt policy terms the proposal must demonstrate very special circumstances sufficient to clearly outweigh these elements of harm.
- 9.3 In this case the following considerations have been identified:
- The clear identified need for the additional gym facilities and studio space, to provide for the health and wellbeing of the growing local population;
 - The very sustainable/accessible location of the site;

- The established use of the site for a leisure centre.
- 9.4 The development will provide a well located facility to meet growing recreational needs and will provide considerable public benefits, in terms of health and wellbeing. It is considered that these considerations clearly outweigh the harm such that they amount to very special circumstances.
- 9.5 It is therefore considered that the planning balance falls in favour of the development and the application is recommended for approval, subject to conditions.

RECOMMENDATION

That planning permission be **GRANTED**, subject to the conditions set out below.

Conditions:

1. Three year time limit (1T121).
2. Approved Plans (2E101).
3. Lighting Details (2E272)
4. Prior to their first use within the development samples of the external materials of construction of the extension hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development and in accordance with policy DES4 of the East Herts District Plan 2018.

5. Before the first use of the extension hereby approved a scheme of sound attenuation works shall be submitted to the Local Planning Authority for written approval, installed and thereafter retained. The

scheme of works shall be capable of restricting noise breakout from the D2 use to nearby residents.

Reason: To safeguard the amenities of neighbouring residential occupiers.

6. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 07.30hrs Monday to Saturday, nor after 18.30hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policy EQ2 of the adopted East Herts District Plan 2018.

7. Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
 - a) The construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Details of any highway works necessary to enable construction to take place
 - d) Parking and loading arrangements
 - e) Details of hoarding
 - f) Management of traffic to reduce congestion
 - g) Control of dust and dirt on the public highway
 - h) Details of consultation and complaint management with local businesses and neighbours
 - i) Waste management proposals
 - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
 - k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CMP thereafter.

Reason: In the interests of highway safety and in order to ensure an adequate level of amenity for existing residents in accordance with policies DES4, EQ2 and EQ4 of the adopted East Herts District Plan 2018.

8. No development shall take place (including demolition, ground works, and vegetation clearance) until a Construction Environmental Management Plan (CEMP): Biodiversity has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones";
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timings of sensitive works to avoid harm to biodiversity features;
 - e) The times during which construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs;
- Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that impacts on existing habitats and species are minimised in accordance with Policy NC1 of the East Herts District Plan 2018

9. At least 3 months prior to the first use of the approved development a detailed Travel Plan for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be

submitted and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

10. Prior to the first use of the extension hereby approved, a Car Park Management Plan shall be submitted to the Local Planning Authority (in consultation with the Highway Authority), for approval in writing. The plan should describe how parking will be managed with respect to preventing non-leisure centre related trips and how capacity may be managed using the Hartham Common and Hartham Lane car parks.

Reason: To ensure suitable arrangements for car parking as part of the development in accordance with EHDC requirements.

11. Within 3 months of commencement of development, and notwithstanding the submitted landscaping plans, revised full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority.

These details shall include, as appropriate: (a) Proposed finished levels or contours (b) Means of enclosure (c) Car parking layouts (d) Other vehicle and pedestrian access and circulation areas (e) Hard surfacing materials (f) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting) (g) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.) (h) Retained historic landscape features and proposals for restoration, where relevant (i) Planting plans (j) Written specifications (including cultivation and other operations associated with plant and grass establishment) (k) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (l) implementation

timetables. The submitted details shall include details of tree planting to the west of the extension hereby approved. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy DES3 of the East Herts District Plan 2018.

12. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. The statement should include: a) map showing the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures; b) access arrangements to the site; c) the date of start and finish of works on site; d) siting, methodology and facilities for wheel cleaning; e) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities; f) cleaning of site entrances, site access roads and the adjacent public highway and: g) details of provisions for temporary car parking, loading/unloading and vehicle turning areas; h) hours of construction operations including times of deliveries and removal of waste; i) the estimated number and type of vehicles per day/week; j) details of any vehicle holding area; k) details of the vehicle call up procedure; l) details of any changes to on-street waiting and loading restrictions that will be required; m) access and protection arrangements around the site for pedestrians, cyclists and other customers; n) details of measures and training to reduce the danger posed to cyclists by HGVs, including membership of the Freight Operators Recognition Scheme or an approved equivalent; o) details of a construction phasing programmed; The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with

Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

13. Tree/hedge protection and retention (4P052).
14. Within 3 months of commencement of the development, a Landscape and Biodiversity Plan shall be prepared, detailing how biodiversity will be incorporated within the development scheme. The plan shall include details of appropriate habitat improvement, management and creation schemes. The plan shall be submitted to the LPA to demonstrate the expectations of NPPF in achieving overall net gain for biodiversity have been met. Development shall proceed in accordance with the approved LEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development results in a net gain in biodiversity as required by Policy NE3 of the east Herts District Plan 2018.

15. The development permitted shall be carried out in accordance with the approved surface water drainage assessment carried out by Richard Jackson Ltd, project number 49075H, dated November 2019 and following the mitigation measures: 1) limiting the surface water runoff generated by the critical storm events so that it will not exceed the surface water runoff during the 1 in 100 year event plus 20% of climate change event. 2) providing storage to ensure no increase in surface water runoff volumes for all rainfall up to and including the 1 in 100 year plus climate change event providing a minimum of 13m³(or such storage volume agreed by the Local Planning Authority in consultation with the LLFA) of storage volume in the northern sub-base soakaway and a minimum of 17.5m³ (or such storage volume agreed by the Local Planning Authority in consultation with the LLFA) of storage volume in the western sub-base soakaway. 3) Discharge of surface water from the private drainage network into the ground.
The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other

period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy WAT1 of the East Herts District Plan 2018.

16. No development (other than demolition) shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
1. Detailed infiltration test conducted to BRE Digest 365 Standards at the exact location and depth where western soakaway is proposed.
 2. Final detailed modelling of the drainage network for up to and including the 1 in 100 year rainfall event including 20% for climate change.
 3. Final, detailed drainage layout with all SuDS features indicated
 4. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
 5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding both on and off site, in accordance with Policy WAT1 of the East Herts District Plan 2018.

17. Prior to their installation, full details of the proposed photovoltaic panels shall be submitted to and agreed in writing by the Local

Planning Authority. The development shall then be completed in accordance with the approved details.

Reason: To ensure satisfactory appearance in the interests of maintaining the character and appearance of the conservation area in accordance with policy HA1 of the East Herts District Plan 2018.

18. Prior to installation details of the signage to be installed on the extension and on the plant room, hereby approved, shall be submitted to and agreed in writing by the Local Planning Authority. The signage shall be installed in accordance with the approved details.

Reason: In the interests of maintaining the character and appearance of the Conservation Area in accordance with Policy HC1 of the East Herts District Plan 2018.

19. Within 3 months of the commencement of development a scheme for the provision of additional cycle parking facilities including covered secure spaces for staff, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed facilities shall be provided prior to the first use of the extension hereby approved and retained thereafter.

Reason: To encourage cycling in accordance with policy TRA1 of the East Herts District Plan 2018.

Informatives

1. Justification Grant (JG4)
2. Other Legislation (1OL1)
3. Any significant tree/shrub works or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist

and if active nests are found, works should stop until the birds have left the nest.

4. During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.
5. Prior to the commencement of demolition of the existing building, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

Summary of Reasons for Decision

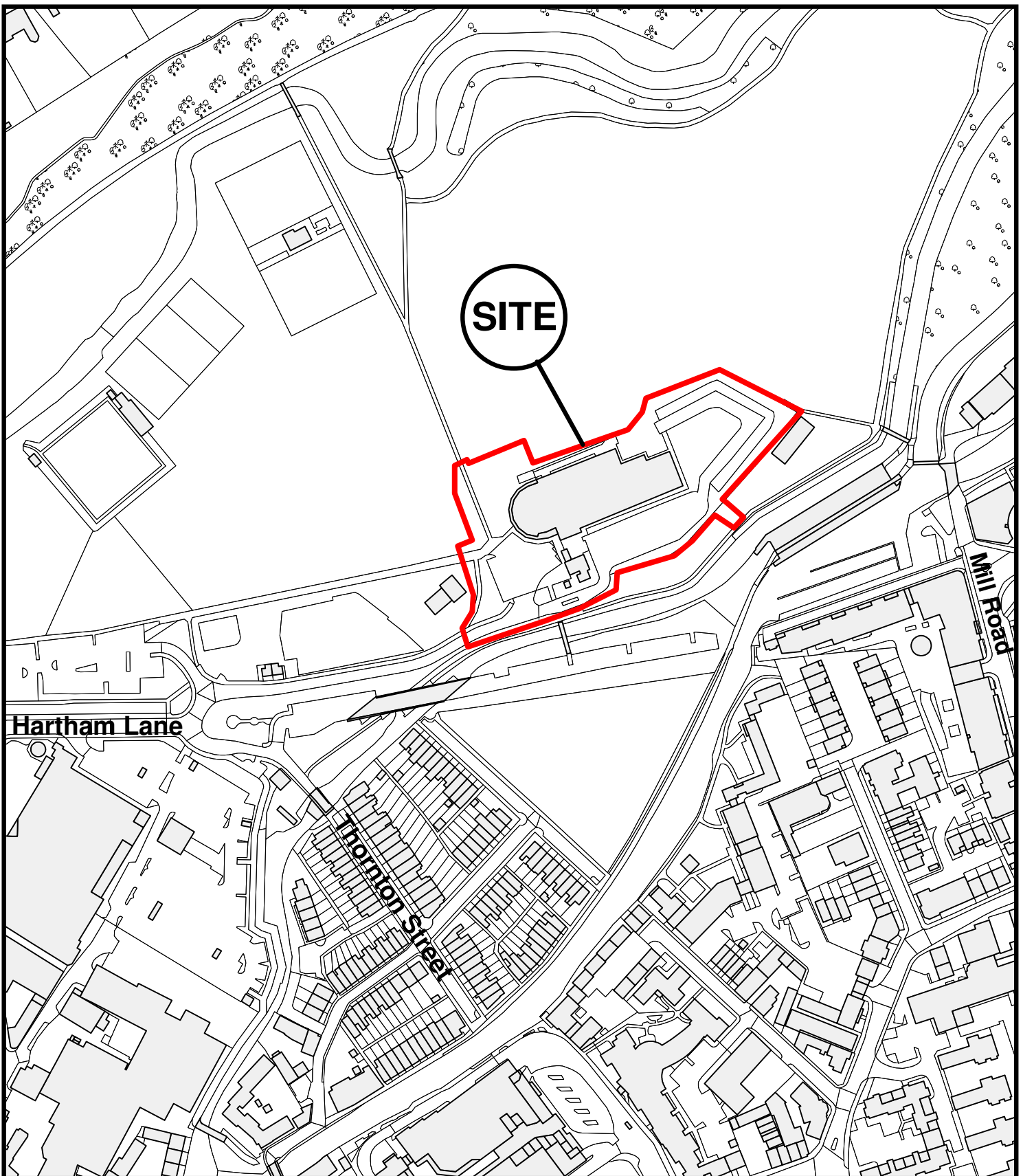
East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the East Herts District Plan, the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.

KEY DATA**Non- Residential Development**

| Use Type | Floorspace sq.m |
|------------------------|------------------------|
| Proposed: Leisure (D2) | 3,655 |
| Existing: Leisure | 2,440 |
| Increase: | 1,215 |

| Parking | |
|------------------------------------|-----|
| Existing | 97 |
| Proposed | 97 |
| Policy Requirement | 243 |
| Zone 4 Accessibility reduction 25% | 60 |
| Requirement | 183 |

| Cycle Parking | |
|----------------------|----|
| Existing | 57 |
| Proposed | 57 |



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SG13 8EQ
Tel: 01279 655261

Address: Hartham Leisure Centre, Hartham Lane, Hertford, Herts, SG14 1QR

Reference: 3/19/1882/FUL

Scale: 1:2500

O.S Sheet: TL3213

Date of Print: 16 December 2019

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DEVELOPMENT MANAGEMENT COMMITTEE – 8 JANUARY 2020

| | |
|---------------------------|---|
| Application Number | 3/19/2218/FUL |
| Proposal | Change of use of part of the ground floor from B1 (Office/light industrial) to D2 (fitness centre) for a temporary period of 3 years together with associated elevational alterations including provision of new entrance doors and access ramp, ventilation louvres, lighting and 3 AC condensers. |
| Location | Biomarsh House, 8 Fountain Drive, Hertford, SG13 7UB |
| Parish | Hertford CP |
| Ward | Hertford Kingsmead |

| | |
|--|----------------------------|
| Date of Registration of Application | 30 October 2019 |
| Target Determination Date | 25 December 2019 |
| Reason for Committee Report | Council's own application. |
| Case Officer | James Mead |

RECOMMENDATION

That planning permission be **GRANTED** subject to conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

1.1 The proposal seeks planning permission for the change of use of part of the ground floor of Biomarsh House from B1 (Office/Light Industrial) to D2 (Fitness Centre). A small part of the ground floor and the whole first floor of the building would remain in B1 use. The permission would be for a temporary period of three years. This consent is sought as a temporary arrangement, while the intended refurbishment and extension of Hartham Leisure Centre is undertaken (Local Planning Authority reference: 3/19/1882/FUL). This related application is also being considered at this planning committee meeting.

1.2 The proposal includes the provision of 12 customer designated parking spaces and cycle parking facilities. A number of elevational alterations are proposed to the building, including the provision of: entrance doors, an access ramp, ventilation louvres, lighting and air conditioning condensers.

1.3 The main issues for Members consideration are:

- Principle of the Change of Use in a Designated Employment Area
- Leisure Provision
- Design and External Appearance
- Environmental Quality
- Highways and Parking
- Site Description

2.1 The application site comprises part of a two storey industrial building, known as Biomarsh House. An area of hardstanding to the north of the main building is also included within the site boundary. The vehicular access into the site is from Merchant Drive. The site is within the settlement boundary of Hertford, and is to the north-eastern side of this town. Biomarsh House is within the Mead Lane designated employment area, with the locality being characterised by other industrial and employment uses. Beyond the site to the north is open countryside.

3.0 Planning History

No relevant planning history.

4.0 Main Policy Issues

4.1 These relate to the relevant policies in the National Planning Policy Framework 2019 (NPPF) and the adopted East Herts District Plan 2018 (DP).

| Main Issue | NPPF | DP Policy |
|--|-------------|------------------|
| Principle of Change of Use in a Designated Employment Area | Section 6 | ED1 |
| Leisure Provision | Section 8 | CFLR1 |
| Design and External Appearance | Section 12 | DES4 |
| Environmental Quality and Amenity Impacts | Section 15 | EQ2 |
| Highways and Parking | Section 9 | TRA1, TRA2, TRA3 |

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority note that the site benefits from access to public transport. The nearest bus stop is a 9-minute walk away providing local services to Hertford. The site provides 9 parking spaces and 6 cycle spaces and London Road car park is a 13 minute walk away. The proposal accords with the NPPF, in terms of public access. There are no proposed alterations to existing vehicular or pedestrian access. The proposals would have little impact on the highway network as the usage would likely be outside the am and pm peaks. The Local Planning Authority may wish to review their parking standards in respect of the restricted parking on Fountain Drive.
- 5.2 EHDC Environmental Health Advisor advises that there will be a noise impact coming from the proposed exercise studio, proposed fitness suite and the additional three air conditioning units. It is considered that these noise impacts have the potential to adversely impact the occupants of the first floor offices above. Therefore, this consultee notes that the noise impacts need to be assessed and appropriate mitigation measures implemented. A condition requiring a scheme of sound attenuation is recommended.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town/Parish Council Representations

6.1 Hertford Town Council has no objection.

7.0 Summary of Other Representations

7.1 One neighbour response has been received neither objecting nor supporting the proposals. The following comments are made:

- No concerns regarding the proposed gym.
- It will be interesting to see if Mead Lane can support the extra numbers of cars.

8.0 Consideration of Issues

Principle of Change of Use in Designated Employment Area

8.1 Biomarsh House is located within the designated Mead Lane Industrial Estate, wherein Policy ED1 allocates land for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses. Part III of this policy outlines that the loss of an employment premises (B1, B2, B8) will only be permitted where the following criteria are met:

- a) The retention of the premises for B1, B2 and B8 uses has been fully explored without success (including evidence of at least 12 months of marketing);
- b) The retention of the B1, B2 or B8 use is unable to be facilitated by the partial conversion to a non-employment generating use; and
- c) The proposal does not prejudice the continued viability of existing employment areas and neighbouring uses.

- 8.2 The proposed D2 (fitness centre) use would not align with the desired businesses uses in a designated employment area. Furthermore, the change of use would result in the loss of B1 floorspace. Therefore, Policy ED1 dictates that the criteria of part III of this policy should be met. The submitted planning statement has not specifically addressed this criteria, and consequently the proposal does not meet the requirements of Policy ED1. The loss of business floorspace weighs against the proposal.
- 8.3 While the proposed D2 use would not constitute a business use (B1, B2 or B8), it would generate employment on the site, with employees from the Hartham Leisure Centre relocated to this temporary fitness centre. Furthermore, the change of use would not result in the complete loss of the business use of Biomarsh House, as part of the ground floor and the whole first floor would remain in B1 use. The temporary nature of the proposed change of use (for three years), also means that the long term viability of the employment area would not be prejudiced through this proposal.
- 8.4 The loss of business floorspace and conflict with Policy ED1 is acknowledged. However, it is considered the employment generating proposed use, retention of some business use in Biomarsh House and temporary nature of the scheme mean that the viability of the designated employment area would not be jeopardised. These other considerations are considered to outweigh the non-compliance with Policy ED1.

Leisure Provision

- 8.5 The proposed change of use would provide a leisure facility for usage by the local community. Both national and local policies identify the need to promote health and wellbeing, and it is recognised that leisure facilities are an important element in achieving a fit and healthy population.
- 8.6 Policy CFLR1 encourages new indoor recreation facilities, which meet identified needs. Such facilities should also be located in suitable locations, served by sustainable transport options. There is

clearly a need for a replacement fitness centre, given the significant weekly attendance to the existing Hartham Leisure Centre. Without a replacement facility a substantial number of leisure centre users would be displaced. Additionally, the provision of this temporary facility would support the long-term leisure needs of the District by enabling continued leisure provision for the local community, while works are undertaken at Hartham Leisure Centre.

- 8.7 In regard to whether this location is suitable for the proposed fitness centre, Biomarsh House is in a sustainable location within the settlement boundary of Hertford. There would be scope for some residents of Hertford to access the facility via walking or cycling. Furthermore, Hertford East Railway Station is within reasonable vicinity of the site meaning some users could combine public transport and walking/cycling to access the facility. Given the potential for sustainable journeys to be made to the facility, it is considered the location is suitable for the proposed use.
- 8.8 It is considered that this proposed temporary leisure facility meets a clear need, and supports the continued provision of leisure opportunities in the District. Furthermore, the site is in a suitable location that would allow sustainable journeys to be made to the facility. Therefore, the proposed change of use is in accordance with Policy CFLR1, and this consideration should be assigned significant positive weight.

Design and External Appearance

- 8.9 Several elevational alterations are included within the proposed scheme, including the insertion of: new entrances doors, a new access ramp, new ventilation louvres, new lighting and new air conditioning condensers.
- 8.10 These features would not be visually dominating additions to the building, and Biomarsh House would retain its commercial character. Therefore, there would not be an adverse impact upon the character and appearance of the subject building or the surrounding commercial area. From a design perspective, the

proposal accords with Policy DES4. This element of the proposal carries neutral weight in the overall balancing exercise.

Environment Quality

- 8.11 Policy EQ2 outlines that developments should be designed and operated in a way that minimises direct and cumulative impacts of noise on the surrounding environment. The proposed D2 use would be a use with the potential to generate notable levels of noise. Such noise could impact the operations of surrounding businesses. Acknowledging this, the Environmental Health Advisor has recommended a condition requiring a noise attenuation scheme, prior to the D2 use of the building commencing. This is considered an appropriate approach to take, so to ensure that the noise impacts affecting other businesses in the vicinity is minimised and mitigated. Therefore, a condition requiring this noise attenuation scheme should be attached to the approval, in accordance with Policy EQ2.

Highways/Parking

- 8.12 Policy TRA2 sets out that proposals should be acceptable in highways safety terms and not result in any severe residual cumulative impact. The Highway Authority was consulted on the application, and this consultee has not objected. The traffic generation from the proposed D2 use would not be significant, and a notable amount of the journeys to the facility are likely to be undertaken outside of am and pm peak times. Therefore, it is not considered the proposal would result in a severe impact on the local highway network. Additionally, no changes are proposed to the existing access arrangements. Consequently, it is not considered there would be an unacceptable impact on highways safety. From a highways safety and traffic generation perspective the proposal would not be contrary to Policy TRA2.
- 8.13 In terms of car parking, Policy TRA3 outlines that development proposals should be assessed on a site-specific basis, and should take into account the provisions of the Supplementary Planning

Document (SPD) 'Vehicle Parking Provision at New Development'. The updated parking standards accompanying the SPD advise that fitness centres should be served by 1 parking space per 15m² of gross floor area.

- 8.14 The provision of 12 customer designated car parking spaces to serve this 450m² fitness centre would be below the parking standards. Whilst this is noted, Policy TRA3 is clear in that parking should be assessed on a site-specific basis.
- 8.15 While the scheme only makes provision for the parking of 12 vehicles, it is noted that the peak times for use of the fitness centre are likely to be early morning, evenings and weekends. At such times the other parking spaces serving Biomarsh House are not likely to be fully occupied. Therefore, the users of the fitness centre are likely to have other parking spaces available to them in the wider car park, at peak times.
- 8.16 In addition, it has already been acknowledged that the site is considered to be in a sustainable location within the built-up area of Hertford. Some residents of Hertford would be able to access the facility via walking. Furthermore, cycling to the site would be a genuine option for users of the facility, and the scheme looks to support this through provision of cycle parking facilities. The site is in reasonable proximity of the Hertford town centre meaning that users of the fitness centre would be able to use public car parks, and then walk to the facility. Hertford East Railway Station is also within walking distance of the site meaning users of the facility could combined public transport journeys with walking/cycling to access the fitness centre.
- 8.17 It is acknowledged that the provision of designated customer parking spaces does not meet the Council's parking standards. However, there would be additional parking spaces available at peak times in the wider Biomarsh House car park. Furthermore, the sustainability of the location means that there would be significant opportunities for journeys to be made to the facility via sustainable modes of transport. The availability of additional parking spaces and

the sustainability of the site would outweigh the non-compliance with the parking standards. Therefore, assessing the scheme on a site-specific basis it is considered the parking arrangements would be adequate, in line with Policy TRA3.

9.0 Planning Balance and Conclusion

- 9.1 The proposed change of use would result in the loss of B1 floorspace and the requirements of Policy ED1 have not been satisfied in the submitted planning statement. While this is noted, it is considered there are other factors that outweigh the non-policy compliance. These considerations include: the employment generating proposed use, the fact the some B1 floorspace would be retained and the temporary nature of the change of use. Given these factors, it is not considered the viability of the designated employment area would be jeopardised. This temporary change of use is deemed acceptable in this designated employment area.
- 9.2 This temporary leisure facility would be in a suitable location and meets a clear need. This temporary fitness centre would support the leisure requirements of the District's population in the long-term by enabling continued leisure provision while works are undertaken at Hartham Leisure Centre.
- 9.3 The external alterations to the building are minor in nature, and consequently there would not be an adverse impact upon the character and appearance of the building or surrounding area. Subject to a pre-occupation condition requiring a noise attenuation scheme, there would not be a detrimental impact upon the operations of nearby businesses.
- 9.4 The change of use would not result in a severe impact on the local highway network or an adverse impact on highways safety. The designated parking provision does not meet the Council's Parking Standards. However, the availability of other parking at peak times and the opportunities for sustainable journeys to be made to the facility outweigh the non-compliance with the parking standards.

There would be sufficient parking to serve the temporary fitness centre.

- 9.5 The application is therefore considered to accord with the relevant adopted policies, and is recommended for approval, subject to conditions.

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out below:

Conditions

1. Temporary Permission – Use (1T091)
2. Approved Plans (2E101)
3. Materials as on plan/application form (2E422)
4. Before the use of the building for D2 purposes is commenced a scheme of sound attenuation works shall be submitted to the Local Planning Authority for written approval, installed and thereafter retained. The scheme of works shall be capable of restricting noise breakout from the D2 use to the offices above.

Reason: To safeguard the amenities of existing businesses, in accordance Policy EQ2 of the East Herts District Plan 2018.

Informatives

1. Justification Grant (JG4)
2. Other Legislation (1OL1)

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 East Herts District Plan, the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.

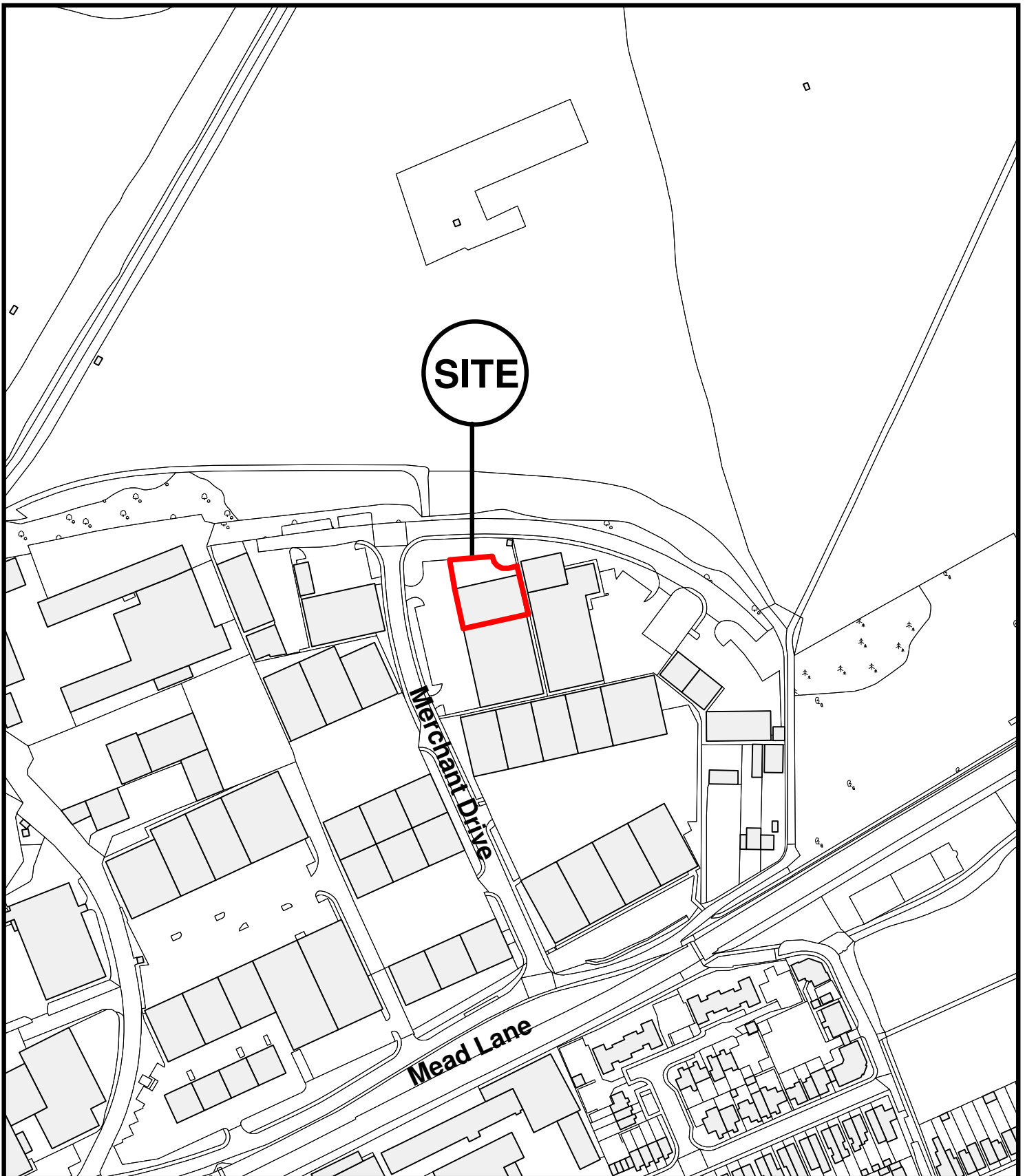
KEY DATA

Non-Residential Development

| Use Type | Floorspace (sqm) |
|--------------------------|-------------------------|
| Proposed: Leisure (D2) | 458 |
| Existing : Business (B1) | 458 |

| Parking | Parking Spaces |
|-------------------------------------|-----------------------|
| Proposed | 12 |
| Policy Requirement- Zone 4 (75%) | 23 |

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

Address: Biomarsh House, 8 Fountain Drive, Hertford
Hertfordshire, SG13 7UB

Reference: 3/19/2218/FUL

Scale: 1:2500

O.S Sheet: TL3313

Date of Print: 11 December 2019

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DEVELOPMENT MANAGEMENT COMMITTEE – 8 JANUARY 2020

| | |
|---------------------------|---|
| Application Number | 3/19/2313/FUL |
| Proposal | Refurbishment of play area including alterations to railings, proposed new paths, play equipment, safety surfacing and signage. |
| Location | Hartham Common Play Area, Hartham Lane, Hertford, SG14 1QR |
| Parish | Hertford Town Council |
| Ward | Hertford Bengo |

| | |
|--|------------------|
| Date of Registration of Application | 15 November 2019 |
| Target Determination Date | 19 December 2019 |
| Reason for Committee Report | EHDC application |
| Case Officer | David Snell |

RECOMMENDATION

That planning permission be **GRANTED**, subject to conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

- 1.1 The application proposes the refurbishment of existing Hartham Common children’s play area with new and replacement play equipment, associated works and landscaping.

- 1.2 Members are advised that the majority of the proposed works constitute permitted development under Part 12, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The Order permits small scale development by local authorities, including the installation of play equipment and associated works up to a maximum height of 4.0 metres.

- 1.3 Planning permission is therefore deemed to be granted for the majority of proposal by the Order.
- 1.4 Planning permission is only required for one item of play equipment identified as A21 on the proposed layout plan drawing No. 3033-GA-004 (because it exceeds 4.0m in height) and for the demolition of the existing public toilet building which is to be replaced with landscaping.
- 1.5 The play equipment A21 comprises a timber framed multiple climbing structure. The structure would be 4.5m deep, 9.8m wide and 6.8m high.
- 1.6 The main issues for consideration are the impact of the proposed equipment A21 on the openness of the Green Belt and the character of Hertford Conservation Area.

2.0 Site Description

- 2.1 The existing children's play area is situated within the wider Hartham Common public open space. The site lies within the Green Belt and Hertford Conservation Area and it is also designated as Local Green Space – Hertford Green Finger.

3.0 Planning History

- 3.1 There is no relevant planning history.

4.0 Main Policy Issues

- 4.1 These relate to the relevant policies in the East Herts District Plan and the National Planning Policy Framework (NPPF). The Emerging Bengeo Area Neighbourhood Plan is relevant to this site.

| Main Issue | DP policy | NPPF | NP |
|---------------------------|---------------------|-------------|-----------|
| Green Belt | GBR1 | Section 13 | |
| Design | DES3, DES4 | Section 12 | HBC3 |
| Heritage impact | HA1, HA4 | Section 16 | |
| Open space and recreation | CFLR1, CFLR7, CFLR9 | Section 8 | HBC2 |
| Local Green Space | CFLR2 | Section 8 | HBC1 |
| Health and wellbeing | CFLR9 | Section 8 | HBC2 |

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Summary of Consultee Responses

- 5.1 EHDC Conservation Officer considers that there would be no adverse impact on Herford Conservation Area.
- 5.2 No other responses from consultees have been received.

6.0 Parish Council Representations

- 6.1 Bishops Stortford Town Council – no response.

7.0 Summary of Other Representations

- 7.1 Two responses have been received in support the proposal.

8.0 Consideration of Issues

Green Belt – principle of the development

- 8.1 The site lies within the Green Belt wherein Policy GBR1 and paragraph 145 of the NPPF provide that the provision of facilities for outdoor sport and recreation is not inappropriate in the Green Belt,

providing the openness of the Green Belt is preserved and there is no conflict with the purposes of the Green Belt.

- 8.2 The proposed equipment A21 is a relatively high structure at 6.8m however, it is an open timber frame structure and it is considered that it would not conflict with the openness or purposes of the Green Belt. The proposal would also be compatible with the Local Green Space designation.
- 8.3 Therefore the proposal is considered to be acceptable in principle.

Design

- 8.4 It is considered that the overall design of the refurbished play area is of a good standard. The proposed landscaping and materials are of good quality. The design will provide a good sense of place contributing to local distinctiveness.

Heritage impact

- 8.5 It is considered that the proposal would serve to preserve the character of Hertford Conservation Area thereby according with Policies HA1 and HA4 of the District Plan.
- 8.6 The existing public toilet building is not of architectural merit and it does not contribute to the character of the conservation area. The loss of this building and its replacement with landscaping is therefore considered to be acceptable.

Open space and recreation

- 8.7 District Plan Policies CFLR1, CFLR7 and CFLR9 and Neighbourhood Plan Policy HBC2 support the provision and enhancement of community recreation facilities and the promotion of community health and wellbeing.

9.0 Conclusion – the planning balance

- 9.1 The proposal amounts to appropriate development in the Green Belt.
- 9.2 The proposal is of satisfactory design and it therefore accords with Policies DES3 and DES4 of the District Plan.
- 9.3 The proposal would not result in harmful impact on the character and setting of Hertford Conservation Area or Local Green Space.
- 9.4 The proposal to enhance the children’s play space is supported by District Plan policy for the provision of community facilities and the promotion of community health and wellbeing.
- 9.5 The proposal is therefore considered to be acceptable and the application is recommended for approval.

RECOMMENDATION

That planning permission be **GRANTED**, subject to the conditions set out below.

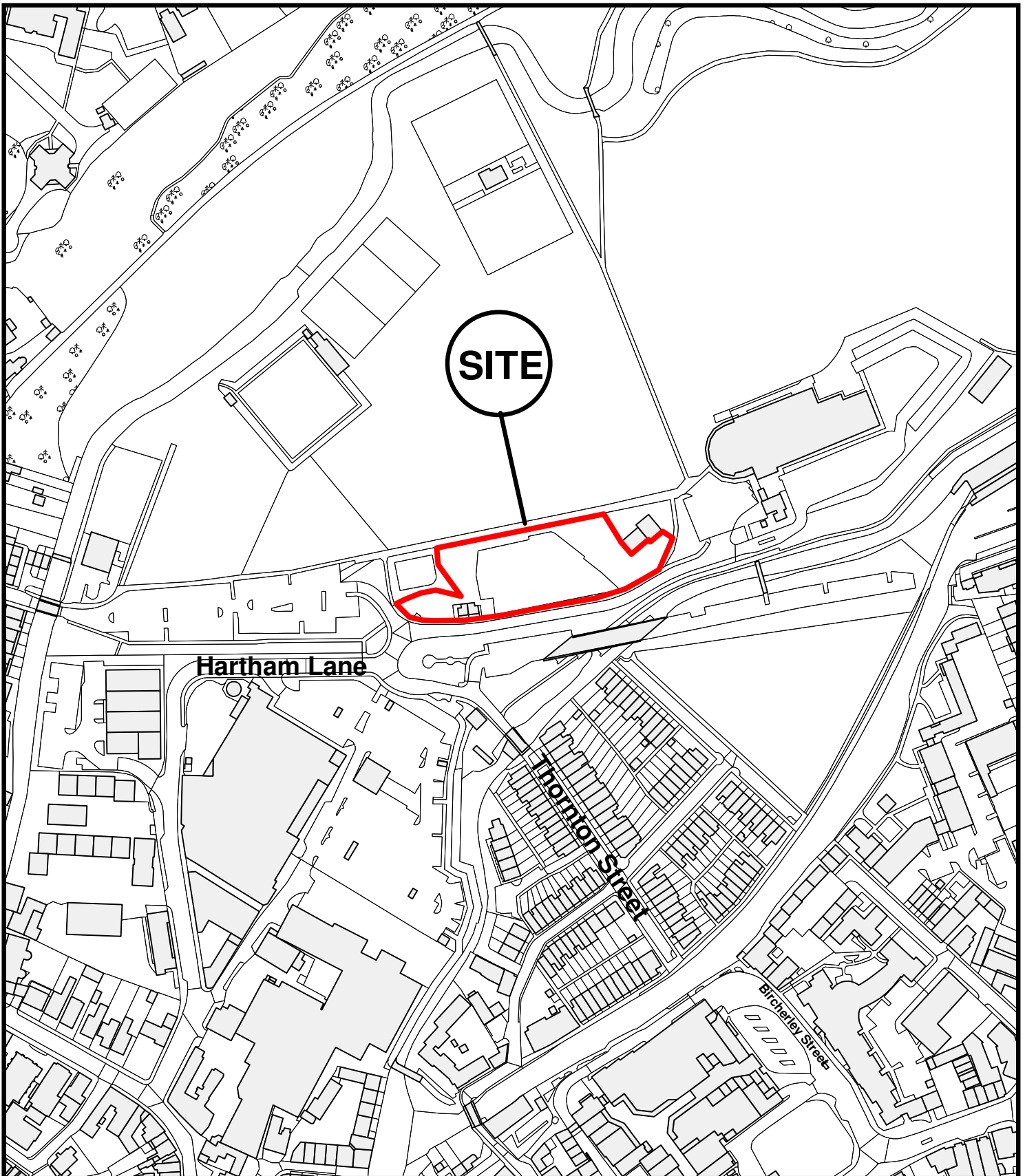
Conditions

1. Three year time limit (1T12)
2. Approved plans (2E10)

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 East Herts District Plan, the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The

balance of the considerations having regard to those policies is that permission should be granted.



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East Herts Council
Wallfields
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SG13 8EQ
Tel: 01279 655261

**Address: Hartham Common Play Area , Hartham Lane, Hertford,
Hertfordshire, SG14 1QR**

Reference: 3/19/2313/FUL

Scale: 1:2500

O.S Sheet: TL3213

Date of Print: 11 December 2019

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**EAST HERTS DISTRICT COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
ITEMS FOR REPORT AND NOTING
November 2019**

| | |
|---------------------------|--|
| Application Number | 3/19/0343/FUL |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | Highfield FarmMangrove LaneBrickendonHertfordshire |
| Appellant | Mr A Winer |
| Proposal | Erection of 24 standalone solar panels. |
| Appeal Decision | Dismissed |

| | |
|---------------------------|--|
| Application Number | 3/19/0439/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | The Old ThatchMoor Hall Lane WestThorleyBishops StortfordHertfordshireCM23 4BJ |
| Appellant | Mrs Caroline Bantick |
| Proposal | Extension of existing annexe ancillary to main dwelling from 1 bedroom to 2 bedroom annexe |
| Appeal Decision | Allowed |

| | |
|---------------------------|--|
| Application Number | 3/19/0527/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | Round House LodgeHigh Oak RoadWareHertfordshireSG12 7PR |
| Appellant | Mr. Harris & Ms. Markham |
| Proposal | Alterations and extension to roof to create first floor. Insertion of 4 no. dormer windows and 2 no. rooflights. Erection of canopy to front. Alteration to fenestration together with associated elevational changes. |
| Appeal Decision | Dismissed |

| | |
|---------------------------|--|
| Application Number | 3/19/0556/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 10 Westmill CottagesWestmill RoadWestmillWareHertfordshireSG12 0ET |
| Appellant | Mr And Mrs J Charvill |
| Proposal | Single storey front infill extension to include 4 roof lights. |
| Appeal Decision | Dismissed |

| | |
|---------------------------|---|
| Application Number | 3/19/0697/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 26 Stoa CloseHertfordHertfordshireSG13 7GH |
| Appellant | Mr David Greaves |
| Proposal | First floor rear extension and loft conversion comprising raising the ridge, provision of rear dormer window, provision of front roof light and insertion of new second floor window to eastern side elevation. |
| Appeal Decision | Allowed |

| | |
|---------------------------|---|
| Application Number | 3/19/0787/ARPN |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | Barn AtA120 Veterinary HospitalStandon RoadLittle HadhamWareHertfordshireSG11 2DF |
| Appellant | S Gordon |
| Proposal | Concrete portal frame barn with corrugated sheeting to be converted into three dwellings. |
| Appeal Decision | Dismissed |

| | |
|---------------------------|--|
| Application Number | 3/19/0933/FUL |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 34 Queens RoadWareHertfordshireSG12 7DN |
| Appellant | Mrs K Hopson |
| Proposal | Demolition of single storey w.c./store and erection of attached two storey building consisting of 2no. one bedroom apartments with 2no. parking spaces, vehicle entrances and crossovers |
| Appeal Decision | Dismissed |

| | |
|---------------------------|---|
| Application Number | 3/19/0940/FUL |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 58 Stortford RoadStandonWareHertfordshireSG11 1LZ |
| Appellant | Mrs Gillian Ashcroft |
| Proposal | Creation of parking area for 2 vehicles to the front property, to include a dropped kerb. |
| Appeal Decision | Dismissed |

| | |
|---------------------------|---|
| Application Number | 3/19/1041/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 42 Rochford RoadBishops StortfordHertfordshireCM23 5EX |
| Appellant | Mr And Mrs Williams |
| Proposal | First floor side extension, part two storey rear extension. |
| Appeal Decision | Dismissed |

| | |
|---------------------------|--|
| Application Number | 3/19/1086/FUL |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | Rooks Nest PaddockStevenage RoadWalkernHertfordshire |
| Appellant | Mr Wakeley & Miss Hilton |
| Proposal | Change of use of land from agricultural/equestrian to residential and erection of a new three bedroom dwelling with associated parking |
| Appeal Decision | Dismissed |

Background Papers

Correspondence at Essential Reference Paper 'A'

Contact Officers

Sara Saunders, Head of Planning and Building Control – Extn: 1656



Appeal Decision

Site visit made on 29 August 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Appeal Ref: APP/J1915/W/19/3231172

Highfield Farm, Mangrove Lane, Hertford SG13 8QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Winer against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0343/FUL, dated 14 February 2019, was refused by notice dated 12 April 2019.
 - The development proposed is standalone solar panels 15kW.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Andrew Winer against East Hertfordshire District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies,
 - The effect of the development on the openness of the Green Belt, and
 - If the proposed development constitutes inappropriate development in the Green Belt, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development within the Green Belt

4. The Framework is a material consideration in determining Green Belt proposals. Paragraph 133 identifies that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. At paragraph 143 the Framework states that inappropriate

development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

5. Policy GBR1 of the East Herts District Local Plan (the 'Local Plan') 2018 states that proposals will be considered in line with the Framework. Hence the policy is consistent with the Framework.
6. The proposal is for the erection of 24 standalone solar panels, arranged on a wooden frame structure as two banks of 12 panels. The tilted frame that would support the panels would measure approximately 10m long and 2m deep, with the lower edge of the structure 1m above the ground and higher end 2.1m above the ground. For renewable energy projects located in the Green Belt, paragraph 147 of the Framework requires developers to demonstrate very special circumstances.
7. Paragraph 145 of the Framework states that buildings are inappropriate unless they are one of the seven listed exceptions a) to g). The Council argues that the proposal would constitute a structure and not a building, and therefore paragraph 145 is not applicable. The Framework does not define what is a building for the purposes of paragraph 145. Nevertheless, Section 336 of the 1990 Act¹ states that a 'building' includes any structure or erection. It seems to me therefore, in the absence of evidence to the contrary, that the proposed standalone solar panels and the structure on which they would be mounted would be a building for the purposes of paragraph 145. However, the development would not fall within any of the building exceptions contained within paragraph 145 of the Framework.
8. In addition, the proposal would not meet any of the other exceptions under paragraph 146. The proposal would therefore constitute inappropriate development. I find the proposed development would be inappropriate development, which is by definition, harmful to the Green Belt and to which substantial weight should be given. The development would therefore conflict with Policy GBR1 of the Local Plan as well as the Framework.

Openness

9. A fundamental aim of Green Belt policy in the Framework is to keep land permanently open. The openness of the Green Belt is clearly evident around the site, particularly with views of open fields. The solar panel structure would be located in the corner of a field partially screened by hedgerow. It would be sited to face south and some distance away from the other existing buildings and the nearby woodland so as not to be overshadowed. The solar panel structure would be of a modest size and scale in relation to the surrounding field, and would not be very visible from the wider area, until one approaches the site. Nonetheless the proposal would still have a spatial impact on openness arising from the physical presence of the solar panel structure in an open field surrounded by open countryside where development does not exist.
10. The proposal would therefore cause significant harm to the openness of the Green Belt and would undermine the fundamental aim of keeping land permanently open. As a consequence, it would conflict with Local Plan Policy GBR1 and the Framework.

¹ The Town and Country Planning Act 1990

Other considerations

11. The solar panels are required to provide power to a number of homes and holiday lets on the appellant's land as well as his farming business. On my visit I observed that some buildings had been partially converted into dwellings and some were occupied. Work was yet to start on a new agricultural building and conversion of other buildings into approved holiday units. Renewable energy is supported in Chapter 14 of the Framework as part of a low carbon future in a changing climate. Regardless of whether the buildings have all been converted or built out yet, the solar panels would only be serving a few residential units and a limited farm use, all within the appellant's control. There would be some environmental benefit in helping to address climate change together with some energy and cost savings and I give this moderate weight. However, these would be small, localised and principally be of private benefit to the appellant and would not, in my view, constitute a wider environmental benefit of the sort indicated by paragraph 147 of the Framework.
12. The application is similar to the appellant's previously refused proposal² in that both applications would be for 24 solar panels. The mention of additional policies in the appellant's supporting documentation for the second application, the subject of this appeal, does not change the nature of the proposed development, which is still for 24 standalone solar panels.
13. The appellant refers to a number of examples of solar energy proposals granted by the Council. I have not been presented with sufficient details, the particular circumstances of any of them or the site specifics and the nature of their surroundings to make any meaningful comparisons with the appeal proposal, which in any event I must consider on its own merits. I therefore afford them limited weight. If applications are in the Green Belt, the Council must apply the assessment set out in the Framework. If development is not in the Green Belt, the particular issues of 'inappropriate' development and 'openness' would not need to be assessed.
14. However, from the information before me the Mill Farm, Mentley Lane example for 19,584 solar panels in 48 rows is of a completely different scale to the appeal proposal, and was presumably intended to supply electricity to the national grid for wider community usage and environmental benefit, something the Framework allows. I am unable to comment on the Cherry Green or Bury Lodge examples, apart from the site specifics appear to be different to the appeal site.
15. I acknowledge the appellant's concerns with the Council's handling of the application with particular reference to not visiting the site a second time to see the progress of the various conversion projects. I also note the appellant's reasons for the timing of his solar panel applications. I have visited the site and in reaching my decision I have been concerned only with the planning merits of the case. The lack of objections from local residents does not diminish the harm I have identified.
16. I find that these other considerations do not clearly outweigh the totality of harm, which is the test that they have to meet, in light of the national

² LPA ref: 3/18/2724/FUL refused 7 February 2019

importance given to protecting Green Belt relative to the modest private benefits that would accrue from the appeal development. Consequently, very special circumstances do not exist to justify the proposed development.

Conclusion

17. The appeal proposal would be inappropriate development in the terms set out in the Framework and would lead to a significant loss of openness to the Green Belt. I have given moderate weight to the environmental benefits of solar power to service the appellant's dwellings, holiday lets and agricultural business. However, the substantial weight to be given to Green Belt harm is not clearly outweighed by these other considerations. As such, very special circumstances do not exist to justify this renewable energy proposal. The proposal would also conflict with Policy GBR1 of the Local Plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

K Stephens
INSPECTOR



Costs Decision

Site visit made on 29 August 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Costs application in relation to Appeal Ref: APP/J1915/W/19/3231172 Highfield Farm, Mangrove Lane, Hertford SG13 8QJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andrew Winer for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal planning permission for standalone solar panels 15kw.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The Applicant contends that the Council did not give the application due consideration, because it did not re-visit the site and instead relied on photographs taken during the visit for the previously refused application¹ and therefore had little regard for the wider site and the impact the proposal would have. The Applicant also contends that the Council did not engage; referred to paragraphs 145 and 146 of the National Planning Policy Framework (the Framework) but not to policies the Applicant quoted; the Council's report was similar to the previous one and as a result the Council did not consider the application in a positive and proactive manner. Therefore, the Council has behaved unreasonably.
4. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
5. The Council contends it did not act unreasonably in a way that caused unnecessary costs or wasted expense. The Council has confirmed that a further visit was not required as a site visit had recently been carried out for the previous application and photographs were taken. The officer report was well reasoned and detailed and a thorough assessment of the site history informed the decision. The Council report also referred to the application being a

¹ LPA ref: 3/18/2724/FUL refused 7 February 2019

resubmission and that the re-submitted Design & Access Statement mentioned Framework paragraphs 145 and 146. An assessment of the impacts on the Green Belt were undertaken, as well as assessing the design/layout, impact on neighbour amenity, noise and highways. Full consideration was given to the application and its accompanying documents.

6. I note that the resubmitted application was submitted 7 days after the previous application was refused. It would have been apparent from the Applicant's submitted Design & Access Statement and plans that the application was a re-submission and nothing significant had changed since the previous application, i.e. the same number and arrangement of solar panels were proposed for the same location. As nothing significant had changed, the photographs from the previous visit would have been a useful aide memoire for the officer. Furthermore, the progress of the Applicant's conversion and building projects was not crucial to witness, as the Council was already aware of the planning history of the site and the timescales of the various permissions. The Council is entitled to consider how best to use its staff, time and limited resources in the public interest. In light of the timescales and that the resubmission was fundamentally the same, I find the Council was within its rights not to re-visit. This does not amount to unreasonable behaviour.
7. In its officer report, the Council clearly explained the proposal, its impact on the Green Belt and weighed up other considerations. Reference to paragraphs 145 and 146 is necessary as the Framework it is a material consideration for the assessment of any Green Belt application, and I have done the same in my decision. I therefore find the Council has not been remiss in this and has followed due process for determining applications in the Green Belt.
8. For the reasons set out in my appeal decision I too found that the Applicant's proposed use of renewable energy to power the various dwellings, holiday lets and agricultural buildings .did not outweigh the harm caused to the openness of the Green Belt. The progress of the various building works was not pertinent to this.
9. I find that the Council has not acted unreasonably. Therefore, I need not concern myself as to whether wasted expenditure has occurred, as both tests need to be satisfied before an award of costs can be made.

Conclusion

10. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense at appeal as described in the PPG, has not been demonstrated.

K. Stephens
INSPECTOR



Appeal Decision

Site visit made on 15 October 2019

by Rajeevan Satheesan BSc PGCert MSc Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2019

Appeal Ref: APP/J1915/D/19/3233209

The Old Thatch, Moor Hall Lane West, Thorley, Bishops Stortford CM23 4BJ

- 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 Mrs Caroline Bantick against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0439/HH, dated 01 February 2019, was refused by notice dated 31st May 2019.
 - The development proposed is the extension of the existing annex ancillary to the main dwelling from a 1 bedroom to a 2 bedroom annex.
-

Decision

1. The appeal is allowed, and planning permission is granted for the extension of existing annex ancillary to main dwelling from 1 bedroom to 2 bedroom annex at The Old Thatch, Moor Hall Lane West, Thorley, Bishops Stortford CM23 4BJ in accordance with the terms of the application, Ref 3/19/0439/HH, dated 01 February 2019, subject to the conditions set out on the attached schedule.

Procedural Matter

2. Revised drawings (drawings Nos BAN.FEB.19 B Page 1 of 2 and Page 2 of 2) were submitted to the Council at the application stage, which are referred to in the Decision Notice. These revised drawings show a window proposed in the rear elevation of the annex, replacing the proposed doors previously shown on the original drawings. For consistency I have therefore considered the appeal on the basis of these revised drawings.

Main Issue

3. The main issue is whether the proposed extensions to the existing ancillary annex building would be acceptable having regard to the relevant development plan policies regarding residential annexes.

Reasons

4. The appeal site relates to an existing ancillary annex building used in connection to the main dwelling of The Old Thatch, a Grade II listed building.
5. Amongst other things, Policy HOU13 'Residential Annexes' of the East Herts District Plan, 2018 (District Plan) states that residential annexes will be permitted where: (a) the accommodation forms an extension to the main

dwelling and is capable of being used as an integral part of the dwelling or forms a separate outbuilding which is close to and well related to and have a clear functional link to the main dwelling; (b) the scale of the annexe does not dominate the existing dwelling and is the minimum level of accommodation required to support the needs of the occupant.”

6. With the exception of the two modest sized dormer windows proposed, all of the works would be within the footprint existing structure, with the design and materials to match the existing building. Whilst I appreciate the Council’s concerns regarding the proposed overall floor space of the annex, most of the development currently exists, and as such the proposals would simply make efficient use of the existing annex, converting currently underused loft and/or storage space.
7. The proposal would provide the occupiers of the development with better quality living space, whilst preserve the character and appearance of the area. Under the ‘principle of development’, the Officer’s Report states that “the development incorporates very limited floor area increase in the building..... and will not result in a disproportionate increase in the size of the building”.
8. The current proposal relates to a relatively modest sized extensions/alterations to the existing annex which is already in used ancillary to the main dwelling. The Council also confirm that the annex is located close to (approximately 4m¹ away) the main dwelling and thus has a close physical relationship with the main dwelling. In addition, access to the annex from the rear garden would be maintained and in this respect the annex would continue to have a clear functional link with the main house.
9. An appropriately worded condition would ensure that the annex would continue to be occupied as an ancillary part of the main house and not as a separate dwelling, in accordance with criterion (a) of Policy HOU13. Furthermore, owing to the modest size and scale of the extensions, with matching materials also proposed, the extended annex would be in keeping with the surrounding development and would remain subservient to the original dwelling. Indeed, the Officer Report raises no objections to the proposal with regards to ‘character and appearance’, and states that the proposal “is considered to appear appropriate to the character and appearance of the surrounding rural area”. In this regard the proposal also complies with criterion (b) of Policy HOU13.
10. Furthermore, I note there is no objection from the Council with regards to criterion (c) and (d) Policy HOU13, which relates to the parking of vehicles and Policy HOU11 (Extensions and Alterations to Dwellings, Residential Outbuildings and Works within Residential Curtilages).
11. I therefore conclude that proposed extensions to the existing ancillary annex building would be acceptable having regard to the relevant development plan policies regarding residential annexes. In this respect I find no conflict with Policy HOU13 of the District Plan.

Other matters

12. The annex building lies close to and within the curtilage of The Old Thatch, which is a one and a half storeys C16 Grade II listed building comprising a

¹ Distance taken from the Officer’s Report.

thatched roof and plastered walls. The Council's conservation team have confirmed that the annex was built after 1948 and therefore is not considered to be listed. I also note that the Council raised no objection to the proposal with regards to the setting of the listed building. From the evidence before me and from what I saw on site, I find no reason to disagree with the Council and conclude that the setting of the listed buildings at the Old Thatch would not be harmed.

13. I also note that the site is located within the Metropolitan Green Belt. However, owing to the modest size of the extensions proposed, the Council state that the proposal is not inappropriate development in the Green Belt and have raised no objection to the proposal on grounds of loss of openness or harm to the Green Belt. I find no reason to disagree with the Council's assessment on this matter.

Conditions

14. The Council has suggested one condition which I have assessed having regard to the advice contained within the Planning Practice Guidance. Apart from the usual time limitations, a condition specifying the approved drawings is necessary to provide certainty. A condition is also attached stating that the building shall only be used in connection with the main building and shall not form a separate dwelling. A condition is imposed to require details of the materials to be used, in the interest of character and appearance of the area, and to preserve the setting of the listed building.

Conclusion

15. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

R Satheesan

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development, hereby permitted, shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Ban.Feb.19A (Existing and Proposed Block Plan), BAN.FEB.19 B Page 1 of 2 and Page 2 of 2.
3. No development shall be carried out above slab level until full details, including samples, of the external facing materials to be used on the annex building, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
4. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Old Thatch, Moor Hall Lane West, Thorley, Bishops Stortford CM23 4BJ, and shall not be used as a separate dwelling.



Appeal Decision

Site visit made on 8 October 2019

by **A Denby BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 November 2019

Appeal Ref: APP/J1915/D/19/3233289

Round House Lodge, High Oak Road, Ware, SG12 7PR

- 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 Harris & Ms Markham against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0527/HH, dated 8 March 2019, was refused by notice dated 9 May 2019.
 - The development proposed is conversion of attic, extension of roof space, introduction of dormers and changes to fenestration.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and surrounding area.

Reasons

3. The site is located on the fringe of the existing urban area and is within a relatively isolated position, set back from the main road. The appeal property consists of a detached single storey dwelling, which has a single storey flat roof element linking to a garage. The main part of the dwelling has a simplistic form with an almost square footprint, low eaves and a substantial hipped roof, which is the predominant feature of the existing building.
4. Although set back from the main road the dwelling is clearly visible through the gap created by the access to the site and the Roundhouse; and from the adjacent bridleway. It is a prominent feature when viewed from the frontage and due to its siting, at the junction of the access and bridleway, it appears as a gatehouse, nestled into the landscape. It does therefore have its own individual character and streetscene, which contrasts with the more compact, urban form of the existing development to the south. It is however acknowledged that broader views of the frontage are tempered by existing landscaping.
5. The rear garden area is at a higher ground level than the existing dwelling, with ground levels rising further to the north beyond the site boundary. Considering this, and the existing planting at the site and in the surrounding area, the rear of the dwelling is not as prominent. Any views are generally glimpsed through this planting, though there would be more open views from

the field to the rear and driveway to the Roundhouse. However, where there are views to the site it is the existing roof which is the most visible.

6. The proposed dormers to the front elevation, due to their size, in particular their width and height, would dominate the existing property. When viewed from the front, the dormers would visually occupy much of the existing front roof slope and, with their glazed elements being similar in size to those on the existing dwelling, would also compete visually with the host property, even though the footprint of the dwelling would not be amended, and the dormers would incorporate traditional hipped roofs, utilise matching materials and have shallower cheeks.
7. Accordingly, the front dormers would alter the existing character and appearance of the dwelling, and rather than blend in, or break-up the expanse of the roof, they would be overly dominant features, detracting from its original size and form. Their balanced composition would also therefore be lessened as they would be prominent and incongruous additions.
8. The dormer proposed to the rear roof slope is of a more contemporary design, incorporating larger sections of glazing and a metal curved roof. It would not resemble an eyebrow dormer, which generally do not have cheeks, and would therefore visually be more intrusive. Whilst it is acknowledged that the appeal scheme includes other elements of contemporary design, due to the existing higher ground level to the rear, these would not be read in conjunction with the dormer window.
9. From the surrounding area this dormer would be viewed in the context of the more traditional roof form. Considering its size, design and materials the rear dormer would, visually, be at odds with the established character of the host property and be a dominant and incongruous addition.
10. The proposed development would, therefore, have an unacceptable harmful effect on the character and appearance of the host dwelling and surrounding area. Consequently, in that regard, it would be contrary to Policy DES4 of the East Hertfordshire District Plan 2018 (DP) which seeks to ensure that developments are of a high standard of design. It would also not accord with Policy HOU11 of the DP which requires developments to be of a size, scale, mass, form, siting, design and materials that are appropriate to the character, appearance and setting of the existing dwelling; and with specific regard to roof dormers, be of limited extent and modest proportions so as not to dominate the existing roof form.

Other matters

11. The appellant has drawn my attention to other developments in the Great Amwell area that have incorporated dormer windows. Whilst I am mindful of the details submitted, there are none which appear to be directly comparable to the appeal scheme when considering the size and siting of the proposed dormer windows, and the size and design of the host dwelling.
12. Furthermore, I do not know the full circumstances of those schemes, and in any event, each case must be considered on its own merits. It is acknowledged that the site is not within the Green Belt or a conservation area and would not affect the listed Roundhouse building, though this does not affect my consideration of the visual impacts of the proposal which, as detailed above,

would result in harm to the character and appearance of the host dwelling and surrounding area.

13. I note the appellants comments that the existing roof is in poor condition and offers poor insulation value. Whilst the development may have some benefit in respect of thermal efficiency and upkeep of the building, there is little evidence before me to demonstrate that the appeal scheme is the only way to achieve this. The appellant has also provided details of discussions they have had with the Council post decision. However, my decision is based on the scheme before me and these other matters do not, therefore, lead me to a different conclusion.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

A Denby

INSPECTOR



Appeal Decision

Site visit made on 17 September 2019 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: **07 November 2019**

Appeal Ref: APP/J1915/D/19/3233601

10 Westmill Cottages, Westmill Road, Westmill, Ware SG12 0ET

- 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 & Mrs J Charvill against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0556/HH, dated 13 March 2019, was refused by notice dated 9 May 2019.
 - The development proposed is single storey infill extension between main dwelling and outbuilding, to facilitate the conversion of existing outbuilding.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The appeal site is located within the Green Belt. Accordingly, the main issues in this case are:
 - whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

4. The appeal site comprises a semi-detached cottage which has been extended to the side and front following the granting of planning permissions in 1981 and

2005. An existing wooden outbuilding lies to the south of the dwelling, separated from the host property by a small paved area.

Whether Inappropriate Development

5. Paragraph 145 of the Framework establishes that new buildings in the Green Belt are inappropriate. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. The Framework defines 'original building' as meaning the building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally.
7. The Council and the appellant agree that the original dwelling had a floor area of approximately 69 square metres (m²). According to the Council¹ the extensions to the original building have added approximately 138 m², which means that the building is now substantially larger than the size of the original building. The appellants figures² show that with the addition of the appeal proposal the floor area would extend by a further 11.13 m² resulting in a floor area of approximately 149 m², over and above the original dwelling, which represents a 215% increase in floor area. I have no reason to disagree with these figures
8. I acknowledge that there is no definition of 'disproportionate' in either the Framework or the development plan. However, having regard to the original dwelling which has already been extended to the side and front, which is not disputed, I find that the further extension of it would result in the original dwelling being engulfed by extensions. Although the appeal proposal would be of a modest size, taken with the earlier extensions, it would amount to disproportionate addition over and above the size of the original building.
9. For these reasons, the proposed development represents inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

10. Openness is an essential characteristic of the Green Belt. In design terms the small scale extension would relate well to the character and appearance of the existing property and its neighbours, and its enclosed location would mean that there would be very limited harm to the openness of the Green Belt. However, the cumulative impact of the appeal proposal and previous extension means that there would still be a loss of openness of the Green Belt and harm to the Green Belt would result.

Other Considerations

11. The Framework makes it clear at paragraph 144, that substantial weight is given to any harm to the Green Belt. It establishes that 'very special

¹ Council's delegated officer report

² Paragraph 5.5 of appellants statement

circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

12. The appellant has suggested that the removal of the existing extension which has a mono pitch roof and its replacement by the appeal proposal, which contains a dual pitch roof, would result in no additional floorspace and should be viewed as non-controversial. In this regard I note that the Council³ considers that in terms of design and layout, the proposed extension relates satisfactorily to the character and appearance of the property and surrounding area. I have no reason to disagree. However, the benefits brought about by the demolition of the existing extension and the architectural merits of the proposal, would be limited and do not outweigh the harm that would be caused to the Green Belt.
13. I have noted the appellants' desire to link the house to the outbuildings to facilitate their conversion. Whilst personal circumstances are a material consideration, they carry only limited weight. The development would continue to exist long after the personal circumstances have ceased to be relevant.
14. Whilst acknowledging that a small (4%) increase in floorspace, over and above the existing house, appears insignificant in isolation, consideration must be given to the cumulative impact of the additions to the original dwelling house, as required by the Framework. Moreover, the fact that the development is not visually intrusive does not negate the impact of the proposal on the Green Belt.
15. The proposed development would represent inappropriate development, which is, by definition, harmful to the Green Belt. Additionally, I have found that there would be harm to the openness of this part of the Green Belt in that it would be reduced. There are no other considerations raised in support of the development that would outweigh the harm identified to the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist. The proposal therefore conflicts with paragraph 145 of the Framework and Policy GBR1 of the East Herts District Plan October 2018, which seeks to protect the Green Belt from inappropriate development and safeguard the open and rural character of the Borough's countryside.

Recommendation

16. Accordingly, for the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

³ Council's delegated officer report

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR



Appeal Decision

Site visit made on 24 October 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 05 November 2019

Appeal Ref: APP/J1915/D/19/3235179

26 Stoa Close, Hertford SG13 7GH

- 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 David Greaves against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0697/HH, dated 1 April 2019, was refused by notice dated 24 May 2019.
 - The development proposed is first floor rear extension and loft conversion comprising of raising the ridge and the provision of dormer window at rear and rooflight at the front.
-

Decision

1. The appeal is allowed and planning permission is granted for first floor rear extension and loft conversion comprising raising the ridge, provision of rear dormer window, provision of front roof light and insertion of new second floor window to eastern side elevation at 26 Stoa Close, Hertford SG13 7GH in accordance with the terms of the application, Ref 3/19/0697/HH, dated 1 April 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100A, 201C and 202C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No development of the proposed dormer extension shall commence until details of the materials to be used in the construction of the external surfaces of the dormer extension 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.

Procedural Matters

2. While the appeal form states the company name as Julia Bentley & David Greaves, I have used taken the name from the application form in the interests of certainty.
3. From the evidence before me, the proposal includes a second-floor window to the eastern elevation of the building. I have therefore used the description of development from the decision notice in the interests of certainty.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host building and surrounding area.

Reasons

5. The site lies in a residential area generally comprising a mix of two and three storey properties. The rear of No 26 Stroat Close (No 26) is visible from Vixen Drive which is a main route into the estate and therefore is in a prominent location. The properties that can be seen from Vixen Drive are generally in a traditional style and set back from the road with varied roof forms including dormer extensions such that the area has a varied yet attractive, spacious feel.
6. The proposed first floor rear extension, rooflights and raising of the ridge are not a matter of dispute between the main parties. From the evidence before me I see no reason to disagree. Therefore, I will focus my assessment on the proposed dormer extension to which the Council has objected.
7. The proposed dormer extension would be set down from the ridge and eaves of the proposed roof and would be significantly set in from the sides of the detached property. Furthermore, the proposed windows would be of similar proportions to the other windows on the rear elevation. Therefore, while I note the width of the proposed dormer extension and the prominent location, it would appear subordinate to the host property and would be in keeping with the varied and spacious character of the area.
8. While I note that other dormer extensions in the area have been constructed via permitted development rights and may be in less prominent locations than the appeal site, they nevertheless form a part of the varied roof forms and character of the area. In any event, each case must be determined on its individual merits. Therefore, these points have not altered my overall decision.
9. Consequently, the proposed development would not harm the character and appearance of the host dwelling and surrounding area. Therefore, it would not conflict with Policies HOU11 and DES4 of the East Herts District Plan October 2018 which among other things require roof dormers to be appropriate to the design and character of the dwelling and its surroundings and requires all developments to reflect and promote local distinctiveness.

Other Matters

10. I note concerns regarding the service provided by the Council. However, each case must be determined on its planning merits and this point has not altered my overall decision.

Conditions and Conclusion

11. In addition to the standard conditions regarding timing and specifying the approved proposed drawings, conditions relating to external materials are necessary to safeguard the character and appearance of the area. For the reasons given above the appeal should be allowed.

R.Sabu INSPECTOR



Appeal Decision

Site visit made on 24 October 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 15 November 2019

Appeal Ref: APP/J1915/W/19/3235164

Barn on Standon Road, Little Hadham SG11 2DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Susie Gordon against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0787/ARPN, dated 8 April 2019, was refused by notice dated 18 June 2019.
 - The development proposed is concrete portal frame barn with corrugated sheeting to be converted into three dwellings (change of use from agricultural to C3 residential).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. While I note the address on the appeal form and decision notice, I have used the address from the application form in the interests of certainty.

Main Issue

3. From the evidence before me, the main issue is whether or not the proposed change of use would be permitted development having regard to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Reasons

4. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order and any building operations reasonably necessary to convert the building.
5. Paragraph Q.1.(i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than— (i) the installation or replacement of— (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
6. Paragraph 105 of the Planning Practice Guidance (PPG) provides further guidance. It states that it is not the intention of the permitted development right to allow

rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use.

7. The existing building is an agricultural barn that is open on all sides and consists of large concrete portal frames and corrugated roof with the columns founded on foundation pads. The proposal would include the erection of external walls, doors and windows which are permitted under the provisions of Class Q. However, given the skeletal nature of the existing building, and as confirmed in the letter from HLS Structural Engineers Limited dated 11 April 2018, these works would require new strip foundations between the existing columns to support the new external walls and proposed mezzanine floor.
8. As a matter of fact, the insertion of a floor is not included in the list of building operations within Paragraph Q.1(i). Even if it were, I consider that the insertion of a first floor is not reasonably necessary (in the sense of being essential) for the building to function as a dwellinghouse.
9. Therefore, while I note that the proposal would not involve substantial demolition works, given the significant works required to alter the use to a dwelling, the proposed works would go substantially further than that which could be described as a conversion. In addition, while I note the approval of development at Whitehill Farm, each case must be determined on its individual merits and this has not altered my overall decision.
10. With regard to the first reason for refusal, curtilage in this context is defined within the GDPO as an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building. Since the curtilage indicated on the drawings was larger than the land area occupied by the building, this part of the provision was not satisfied and this was accepted by the appellant. While the appellant made reference to revised drawings that indicate a smaller curtilage in their statement, such a revised drawing is not before me. The appellant has referred to other appeal decisions where the Inspectors considered the use of a condition to require a more restricted curtilage to overcome this issue. Even if I were to have regard to such a drawing or consider the use of a condition relating to the size of curtilage, given my finding on the extent of work required to alter the use to a dwelling, these would not alter my overall decision.
11. Consequently, for the foregoing reasons, the proposed change of use would not be permitted development having regard to Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

12. I note the evidence regarding highway safety, traffic and parking as well as noise, contamination, flood risk, location and design of the building. However, since the development would not constitute permitted development for the reasons given above, these matters have not altered my overall decision.

Conclusion

13. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR



Appeal Decision

Site visit made on 12 November 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/J1915/W/19/3235149

34 Queens Road, Ware SG12 7DN

- 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 Mrs K Hopson against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0933/FUL, dated 2 May 2019, was refused by notice dated 22 July 2019.
 - The development proposed is the demolition of existing single storey w.c./store and erection of two storey building consisting of 2no. one bedroom apartments with 2no. parking spaces, vehicle entrances and crossovers.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site has been subject to a recent appeal decision¹ for an identical development issued after the registration of this appeal. Whilst the outcome of that appeal is noted, this appeal is considered on its own merits.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the locality.

Reasons

4. Queens Road forms part of a wider estate of primarily residential development. It consists of a loop road with an access arm from Cromwell Road to the east, and from the Fanhams Road / King George Road roundabout to the west. The road is characterised by a planned mix of post-war semi-detached and terraced dwellings set behind front gardens with private amenity spaces to the rear.
5. The house types within this part of the estate have a high degree of uniformity that, despite designed variations in elevation treatments and some examples of hipped roof building designs, have similar detailing, generally consistent proportioning and common roof materials and heights. The buildings and layout about the loop have a high degree of symmetry and sense of space between adjacent blocks of development.
6. Nos 34 and 36 Queens Road form a pair of semi-detached properties located on the inner side of the road, facing the access arm to the east. Here the pair are isolated in their orientation and provide a strong central focal point on the

¹ APP/J1915/W/19/3231522

approach from Cromwell Road. The prominence of the buildings is emphasised by a positive sense of spaciousness to either side arising from the wide side gardens and lower garage blocks on the return arms of the road. The vista on approach has a strong sense of symmetry being framed by the rows of dwellings either side of the loop road.

7. The proposed development would introduce a significant scale of development to the side garden that would extend uncharacteristically close to the back of the pavement at its front corner. The building would substantially reduce the open nature of this part of the estate and unbalance the existing symmetry to the detriment of the character and appearance of this prominent element of the street scene. This would be particularly evident in the loss of the central alignment of development with the access road.
8. The effect would be made more conspicuous by virtue of the greater width of the proposed building in comparison to the adjoining units and the contrary arrangement of openings to the front elevation. These aspects of the proposal would result in an unbalanced appearance that would fail to reflect the consistency of proportioning and uniformity of buildings which are strong characteristics of development in the locality. Notwithstanding the proposal to utilise matching materials, the development would subsequently appear unsympathetic and incongruous.
9. It is suggested by the appellant that the existing building could be extended under permitted development rights thereby resulting in a loss of the current level of symmetry across the semi pair. However, I have seen nothing to suggest that if this were possible, the appellant would genuinely pursue this option if the appeal failed. As such, it is a matter of negligible weight in the determination of this appeal.
10. I note the concerns of the Council that the proposed development would result in a terracing effect. As a proposal to form additional residential units alongside the existing semis, I consider that this is the intended outcome. Given there are other terrace units within the loop road, the principle of this type of development is already established. Furthermore, due to the isolated position of nos 34 and 36, the proposed building would not encroach so close to other two-storey development as to result in any perception of wider terracing impacts.
11. Although the proposed development is an additive form of development, it would result in new residential units independent of the occupation of the existing dwelling at no 34. Therefore, I find there is little justification within the Council's evidence to require it to appear subordinate to the adjacent development or avoid a terraced appearance.
12. The appellant submits that the development would make the best possible use of the side garden area and respond to the site constraints in an area outside of special planning controls. Whilst these are positive aspects of the proposed development, they would not outweigh the harm I have identified in terms of the effect of development on the character and appearance of the locality.
13. For the above reasons, I consider the proposed development would conflict with Policies DES4 and HOU11 of the East Herts District Plan 2018 which, amongst other things, seek to protect the character and appearance of local development.

Conclusion

14. Whilst I have found in favour of the appellant with regard to the terracing effect of the proposed development, I do not consider this would outweigh the identified harm in relation to its effect on the character and appearance of the locality. I therefore conclude the appeal should be dismissed.

R Hitchcock

INSPECTOR



Appeal Decision

Site visit made on 12 November 2019

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/J1915/W/19/3236240

58 Stortford Road, Standon SG11 1LZ

- 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 Mrs Gillian Ashcroft against the decision of East Hertfordshire District Council.
 - The application Ref: 3/19/0940/FUL, dated 2 May 2019, was refused by notice dated 15 July 2019.
 - The development proposed is the creation of parking area for two vehicles to the front property, to include a dropped kerb.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the development from 'I am seeking permission to create a parking area at the front of my property which is directly off of the A120 within a 30 mile per hour speed limit. The area will need a dropped kerb and the garden digging out in an L shape. This will allow parking for two cars with the L shape allowing the vehicles to turn safely' to the 'creation of parking area for two vehicles to the front property, to include a dropped kerb'. The revised description has also been used on the appeal form. I consider that the revised description represents a more succinct and precise description of the proposal and have therefore proceeded on this basis.

Main Issue

3. The main issue is the effect of the proposed dropped kerb upon highway safety.

Reasons

4. The appeal site contains a terraced dwelling. The terrace is set back from the highway with gardens to the front. These gardens are marked by a combination of wooden fences and hedges. To the front of the site is the A120. To one side of the site is the settlement of Standon, whilst open countryside is on the other. The speed limit on the A120 changes from 40 miles per hour to 30 miles per hour near to the site.
5. The proposed development would result in the creation of a new access onto the highway. This causes significant concerns as the gradient of the A120 is variable. In consequence, drivers of vehicles travelling up the hill would have limited opportunities to view a vehicle in the process of leaving the appeal site.

This situation is exacerbated by there being a corner on the other side of the appeal site, which would reduce opportunities for motorists driving into Standon to be able to view the proposed vehicular access. Whilst I acknowledge that the appeal site is within the 30 miles per hour zone of the A120, the limited visibility offsets any benefits from the lower speed that vehicles would be travelling at.

6. The submitted details indicate that the dropped kerb would be near to the side boundary of the site, which is shared with an adjoining dwelling. Owing to the existing boundary treatment at the appeal site, and at the neighbouring properties, views for motorists leaving the site would be limited. This situation is exacerbated by the presence of a nearby telegraph pole. In consequence, motorists would not have significant warning of advancing vehicles using the A120.
7. On account of this arrangement, it is doubtful that either motorists using the A120, or those leaving the appeal site would have enough advance warning of each other in order to manoeuvre safely, or to take appropriate avoiding action.
8. In reaching this view, I have had regard to the possibility of imposing a condition to secure the provision, and retention, of visibility splays. However, owing to the positioning of the dropped kerb (adjacent to a boundary), it is apparent that such splays would need to cross land outside of the control of the appellant. As such, I do not have certainty that such splays could be implemented and retained throughout the life of the development.
9. I have also had regard to the evidence submitted by the appellant regarding vision lines from the proposed dropped kerb. However, these lines have been calculated from a distance 1 metre back from the kerb edge. As a motorist leaving the site might be sat further back depending on the length of the car bonnet, I am therefore unpersuaded that these overcome my previous concerns.
10. I also acknowledge the efforts made by the appellant in designing a scheme that would enable a vehicle to leave the site in a forward gear. However, this does not overcome the identified harm to highway safety arising from a lack of visibility for both motorists using the A120 and leaving the appeal site.
11. The evidence before me is indicative that there have recently been few accidents on the A120. However, the representations made by the Local Highway Authority to the planning application indicate that the road is widely used. In consequence, a reduction in the level of highway safety would not be appropriate.
12. As a result, I conclude that the proposed dropped kerb would lead to an adverse impact upon highway safety. The development, in this regard, fails to accord with the requirements of Policy TRA2 of the East Herts District Plan (2018). This policy seeks to ensure that new safe and suitable access is achieved for all.

Other Matters

13. I have given the personal circumstances of the appellant careful consideration. However, I am mindful that, in general, planning decisions regarding land use

need to be made in the public interest. Therefore, I find that these do not outweigh the unacceptable nature of the development.

14. Whilst it may be the case that currently there are few vehicle movements associated with the property, I note that the dropped kerb would be installed on a permanent basis and as such, vehicle movements may intensify over time, which would increase the level of harm.
15. I acknowledge that there may be a lack of car parking within the vicinity and that residential development is taking place nearby. However, it is incumbent upon me to assess the merits of the proposal before me in respect of its own impact upon highway safety. Given that I have identified harm, the benefits arising from an increase in off street car parking are outweighed.
16. I have noted that the design of the dropped kerb and driveway would include appropriate drainage, would not interfere with pedestrian crossings or traffic lights, would not impact upon pedestrian safety and would be some distance from the nearest junction. However, these are only some of all the matters that must be considered in assessing a proposal. I therefore do not find that these overcome my previous concerns.

Conclusion

17. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR



Appeal Decision

Site visit made on 21 October 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/J1915/D/19/3235062

42 Rochford Road, Bishops Stortford, CM23 5EX

- 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 and Mrs Matthew Williams against the decision of East Hertfordshire Council.
 - The application Ref 3/19/1041/HH, dated 8 May 2019, was refused by notice dated 25 July 2019.
 - The development proposed is a first floor side extension, part two storey rear extension and internal remodelling.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposed development on: (i) the character and appearance of the surrounding area; and (ii) the living conditions of the occupants of No. 40 Rochford Road with regards to light, outlook and the potential to appear overbearing.

Reasons for the Recommendation

Character and appearance

4. The appeal site is situated on the residential street of Rochford Road and comprises a semi-detached dwelling. The immediate surroundings are characterised by similar residential properties which differ in size and style but retain a broad uniformity in terms of materials and character. The road is made up of a mixture of semi-detached and detached properties and, for the most part, the single storey garages to the side of dwellings helps to maintain a sense of separation to the neighbouring property, in keeping with the low density nature of the estate. There is a pleasing sense of coherence between the appeal property and the neighbouring attached dwelling at No. 44 Rochford Road. While these properties are not identical, there is a broad similarity in terms of scale and massing, accentuated by the fact that both dwellings benefit from a single storey attached garage to the side.

5. The proposal relates to the installation of a first floor side extension, part two storey rear extension and internal remodelling. Policy HOU11 of the East Hertfordshire District Plan, adopted in October 2018 (the Local Plan), relates specifically to extensions and alterations to dwellings. It states that such development should, amongst other things, be appropriate to the character and appearance of the surrounding area by nature of the size, scale and design of the extension. Policy HOU11 further states that any side extension should ensure appropriate space is left between the flank wall of the extension and the common curtilage with the neighbouring property to safeguard the character and appearance of the streetscene and prevent a visually damaging terracing effect. The policy establishes that, as a general rule, a separation distance of 1m is the minimum acceptable distance.
6. The proposal is to be constructed in materials to match the existing property in terms of colour and texture, and the two storey rear extension would not be visible from Rochford Road. Furthermore, in setting the side extension back slightly from the road, the proposal also attempts to reduce the effect on the streetscene. However, it is agreed between the parties that a maximum distance of 0.7m would exist between the proposal and the two-storey element of the neighbouring property at No. 40 Rochford Road. This fails to meet the 1m minimum laid down in Policy HOU11 and while this minimum distance is given as a general rule only, in this case the proposal would lead to a visually damaging terracing effect.
7. The narrow space that exists between the appeal property and No. 40 at ground floor level would be further reduced by the proposal, which would extend beyond the existing side elevation of the garage. At first floor level, the visual gap in development between the properties would be infilled, further reducing the space between the properties. That impact would be exacerbated because the neighbouring dwelling at No. 40 does not contain a single storey garage to the side, unlike most dwellings in the area, but has an integral garage with first floor accommodation above.
8. Therefore, the proposal, by nature of its scale and siting, would effectively erode the space between the two properties leading to a terracing effect that would be out of character with the wider estate. Whilst there may be examples where neighbouring extensions have been permitted closer than the 1m required by policy HOU11 I am not satisfied that the resulting impact of those extensions represents a positive in design terms, having regard to the terracing effect that is created, and there are sound reasons to maintain a suitable gap at first floor level in this instance, having regard to the relationship between the properties and the prevailing pattern of development in the area, notwithstanding other extensions that may have been permitted elsewhere.
9. Furthermore, the proposal would reduce the sense of coherence between the appeal property and the attached dwelling at No. 44 through the development of the first floor side extension. In this context it would appear as an incongruous addition to the streetscene, particularly when accessing Rochford Road from Prestwick Drive, where prominent views of the proposal would be experienced alongside both neighbouring dwellings.
10. For the reasons given above, the proposal would fail to respect or improve the character or appearance of the surrounding area and would have a materially harmful impact in this regard. It would therefore be contrary to Policies DES4 and HOU11 of the Local Plan.

Living conditions

11. The appeal property is located in close proximity to the side elevation of No. 40, separated by a narrow passageway between the two properties and a boundary fence attached to the rear elevation of No. 40. The proposal would increase the built development that runs alongside this boundary by introducing a second storey above the current rear extension at the appeal property.
12. I have taken account of the comments of both parties with regards to whether the proposal would fall within a 45 degree field of view from the first floor window of No. 40. However, the plans do not show the position of that neighbouring window and a precise calculation of whether the flank wall would breach the 45 degree line has not been provided by either party.
13. Nonetheless, having viewed the proposal on site, the side wall would be situated close to the side elevation of No. 40, where it would tower above the boundary fence and hedging present between the two dwellings. It would be clearly visible from the back garden of No. 40 and would extend beyond the first storey windows along the rear elevation of this neighbouring property.
14. The development would introduce additional bulk along the boundary with No. 40 as a result of the extensions and alterations proposed. In particular, it would add an additional storey in close confines to the windows along the rear elevation of No. 40 which would experience a harmful deterioration in outlook and light levels as a result. By nature of its scale and proximity to this neighbouring property, the proposal would therefore fail to ensure that the environments of the occupiers of No. 40 are not harmed.
15. Furthermore, the increased scale of the proposal would appear as a significant addition to the appeal property from the rear garden of No. 40 where, when experienced alongside the dwelling at No 40, it would appear unduly dominant. This would increase the overbearing feel of the development when experienced from the outdoor space to the rear of No. 40 and would fail to avoid significant detrimental impacts on the amenity of the occupiers of No. 40.
16. Due to the proposed location close to the boundary with No. 40 and the difference in floor levels between the proposal and the neighbouring dwelling the development would have an unacceptable detrimental impact on the amenities of the occupiers of No. 40 by way of light, outlook and overbearing effect so as to cause harm to the living conditions of those occupiers. Accordingly, it would fail to comply with Policy DES4 of the Local Plan.

Other considerations

17. The appellant has referred to other development within the wider vicinity where extensions have been granted planning permission as evidence that similar development has created a local distinctive character in this regard. However, I must determine the current proposal in light of currently adopted planning policies and cannot be certain that the historic examples referred to were approved in that context. Moreover, I have had regard to the specific arrangement on site and the direct relationship with the neighbouring properties and those circumstances are unlikely to be replicated directly elsewhere, particularly in respect of the relationship with No. 40. Consequently, reference to other extensions nearby does not outweigh the harm identified above.

Conclusion and Recommendation

18. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR



Appeal Decision

Site visit made on 12 November 2019

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/J1915/W/19/3236656

Rooks Nest Paddock, Stevenage Road, Walkern, SG2 7NN

- 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 Wakeley and Miss Hilton against the decision of East Hertfordshire District Council.
 - The application Ref: 3/19/1086/FUL, dated 23 May 2019, was refused by notice dated 26 July 2019.
 - The development proposed is the change of use of land from agricultural/equestrian to residential and erection of a new three bedroom dwelling with associated parking - revised scheme.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the surrounding area.

Reasons

3. The appeal site consists of a number of buildings that have been used in conjunction with functions relating to farming, equine activities and retailing. The site is located outside of allocated settlement boundaries, and whilst there are dwellings and other buildings nearby, there are fields on three of the site's sides. The site is accessed from Stevenage Road, although the site is on higher ground.
4. As discussed, the site is outside of the allocated settlement boundaries. Policy VILL1 of the East Herts District Plan (2018) (the District Plan) directs new dwellings to locations within the settlement boundaries of Walkern, where they should reflect their village setting. The policy also sets some targets for the provision of new housing. On account of the location of the proposed dwelling, it does not fulfil these criteria. Furthermore, I do not have any evidence before me that is indicative of the housing targets prescribed within this policy not being delivered. It therefore needs to be established whether any harm would emanate from this breach of policy.
5. Furthermore, Policy GBR2 of the District Plan, outlines the types of development that are considered more suitable for out-of-settlement locations. These include the development of housing on Rural Exception Sites, or limited infilling. I do not appear to have any evidence that is indicative of the site

- being a Rural Exception Housing site. Furthermore, owing to the pattern of development in the vicinity, the scheme cannot be described as being an infill.
6. Policy GBR2 does identify that redevelopment of sites might be acceptable, where the development is appropriate to the character, appearance and setting of the site and/or surrounding area.
 7. Whilst I acknowledge that the precise siting of the proposed dwelling is such that it would replace some existing buildings and hardstanding, the proposed dwelling would have a footprint notably larger than the buildings that it would replace.
 8. In addition, the proposed dwelling would have a significant height resulting from the presence of rooms within the roof. This height is also significantly more than the height of the existing buildings that are to be replaced. This would result in a development of significant massing, that would be exacerbated by the proposed dwelling featuring projecting gables and dormer windows. This would result in a dwelling that would have a bulk and footprint notably larger than the buildings that it would replace.
 9. This is of concern as the proposed building would be sited on land that is notably higher than Stevenage Road. As a result, the proposed building would appear as a particularly prominent addition to the landscape. Given that this side of Stevenage Road can be characterised by the presence of fields and paddocks interspersed with smaller scale buildings associated with the use of the land, the proposed dwelling would appear to be incongruous.
 10. Whilst I acknowledge the presence of development immediately adjacent to the site of the proposed dwelling, the proposal would lead to a cumulative erosion of the less developed, more open environs of the site.
 11. In reaching this view, I have had regard to the presence of trees and hedges in the locality. Whilst I acknowledge their presence, the screening effect of these is less than total. Furthermore, I am not aware of any mechanism by which they might be retained throughout the life of the development. For this reason, I do not consider that the inappropriate form of the development could be satisfactorily mitigated.
 12. In consequence, the proposed development would represent a bulky and strident feature. Whilst I note efforts made by the appellant to design a dwelling informed by its rural context, such as by using wood cladding, I do not believe that this would overcome the harm arising from the bulk and massing of the development.
 13. Whilst the site is, on three sides, surrounded by fields, I note that there are buildings nearby, including on the opposite side of Stevenage Road. In addition, the site is close to the village of Walkern where residents of the development would be able to utilise the various services and commercial units. I also note that there is a bus stop close to the site. Whilst this ensures that the dwelling would not be isolated, this does not offset the harm to the character and appearance of the locality as previously identified.
 14. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would fail to comply with the requirements of Policies DES4, GBR2 and VILL1 of the District Plan. These policies, amongst

other matters, seek to direct new development into the settlement boundaries of villages; require developments outside of such boundaries to be of a design and form that is appropriate to the site's surroundings; and reflect, and promote local distinctiveness.

Other Matters

15. I have given the personal circumstances of the appellant careful consideration. However, I am mindful that, in general, planning decisions regarding land use need to be made in the public interest. Therefore, I find that these do not outweigh the unacceptable nature of the development.
16. I also acknowledge that the appellant has revised their proposals following a previous refusal of planning permission, and that the revised application was not the subject of objections from the District Councillor, Parish Council, and local residents. Whilst these are matters of note, they do not offset the harm to the character and appearance of the locality as set out previously.
17. I have also noted that the appellant has revised the access arrangements for the proposed dwelling from that originally applied for through a previous application for planning permission. Whilst this might have resulted in a reduction in the level of additional surfacing, I do not believe that it overcomes the harm as previously identified in respect of the bulk and massing of the proposed dwelling.

Conclusion

18. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR

PLANNING APPEALS LODGED NOVEMBER 2019
Head of Planning and Building Control

| Application Number | Proposal | Address | Decision | Appeal Start Date | Appeal Procedure |
|--------------------|---|--|-------------------|-------------------|------------------------|
| 3/18/1228/FUL | Erection of 8no. dwellings, new access and landscaping (use class C3). | Land West Of Hoddesdon RoadSt MargaretsburyStanstead Abbots | Refused Committee | 25/11/2019 | Written Representation |
| 3/18/1875/CLE | Certificate of lawfulness of the application site for use as residential garden. | Warrengate FarmhouseMoney Hole LaneTewinWelwyn AL6 0JD | Refused Delegated | 21/11/2019 | Written Representation |
| 3/18/2251/CLP | Construction of garage and home office. | EllenglazeBramfield HouseWell GreenBramfieldHertford SG14 2QT | Refused Delegated | 11/11/2019 | Written Representation |
| 3/18/2273/CLE | Use of Nutwood Studio as an independent, self-contained residential dwelling. | Nutwood StudioWest End RoadWormley West EndBroxbourne EN10 7QN | Refused Delegated | 21/11/2019 | Written Representation |
| 3/18/2528/CLP | Construction of a domestic outbuilding to provide garaging and storage of garden equipment. | The CabinBirch Farm PlaceBroxbourne | Refused Delegated | 11/11/2019 | Written Representation |
| 3/18/2717/CLPO | Extensions to both flanks (east and west) and to the rear (south) elevation | The Cabin Birch FarmWhite Stubbs LaneBroxbourneEN10 7QA | Refused Delegated | 11/11/2019 | Written Representation |
| 3/19/0154/FUL | Change of use from agricultural land, to equestrian. Erection of a stable block and a revised gate entrance. | Warren FarmGreen TyeMuch Hadham SG10 6JD | Refused Delegated | 25/11/2019 | Written Representation |
| 3/19/0166/FUL | Demolition of existing garages, closure of one access and creation of new vehicular access. Erection of 1 four bed dwelling, 1 two/three bed bungalow. | 248 Ware RoadHertford SG13 7HB | Refused Delegated | 26/11/2019 | Written Representation |
| 3/19/0266/FUL | Demolition of 2no. large agricultural barns, relocation of covered horse exerciser and the erection of stable block, garages with workshop and a two storey 4 bedroom residential unit, to include 2 car spaces. | Holbrook FarmBenington RoadAstonStevenage SG2 7EA | Refused Delegated | 26/11/2019 | Written Representation |
| 3/19/0542/FUL | Erection of a 2 storey business unit (587 sq m) with associated access, parking (12 spaces) and landscaping. | Thorley Street PaddockThorley StreetThorleyBishops Stortford | Refused Delegated | 06/11/2019 | Written Representation |
| 3/19/0693/VAR | Removal of condition 9 (Schedule 2, Part 1, Class E of the Order)of planning permission 3/11/1170/FP for 'Replacement dwelling house with basement',The removal of condition 9 will allow (subject to the limitations outlined in the Town and Country Planning (General Permitted Development Order) the provision within the curtilage of the dwelling of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse or a container used for domestic heating purposes | Edgewood FarmBroxbourne CommonBroxbourne | Refused Delegated | 26/11/2019 | Written Representation |
| 3/19/0713/FUL | Demolition of all existing structures; de-contamination of the site and erection of three dwellings with garaging | Bakers End NurseryWaresideWare SG12 7SH | Refused Delegated | 18/11/2019 | Written Representation |
| 3/19/0752/FUL | Erection of a two bedroom detached house. | Howe Green StablesBaldock RoadBuntingford SG9 9EW | Refused Delegated | 25/11/2019 | Written Representation |
| 3/19/1066/VAR | Removal of condition no. 5 (removal of permitted development rights under Schedule 2, Part 1, Class E) of planning permission 3/07/1458/FP (Demolition of existing dwelling and erection of replacement dwelling of identical location, size and appearance to that approved by 3/06/1607/FP).The effect of the change will be to allow the provision, within the curtilage of the dwelling, of any building, enclosure or swimming pool as described within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development Order) 1995 (as amended). | Molewood HallHigh MolewoodHertford SG14 2PL | Refused Delegated | 26/11/2019 | Written Representation |
| 3/19/1341/FUL | Construction of new 2 bedroom end of terrace house with 2 parking spaces. | Land Adjacent To 24 AshdaleBishops Stortford CM23 4EA | Refused Delegated | 06/11/2019 | Written Representation |

Background Papers

None

Contact Officers

Sara Saunders, Head of Planning and Building Control - Ext 1656

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DEVELOPMENT CONTROL

Major, Minor and Other Planning Applications

Cumulative Performance

| | Apr-19 | May-19 | Jun-19 | Jul-19 | Aug-19 | Sep-19 | Oct-19 | Nov-19 | Dec-19 | Jan-20 | Feb-20 | Mar-20 |
|------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| <i>Total Applications Received</i> | 202 | 438 | 641 | 857 | 1030 | 1203 | 1431 | 1624 | | | | |

| <i>Percentage achieved against Local and National Targets</i> | Apr-19 | May-19 | Jun-19 | Jul-19 | Aug-19 | Sep-19 | Oct-19 | Nov-19 | Dec-19 | Jan-20 | Feb-20 | Mar-20 | Targets for Local Performance (set by East Herts) | National Targets (set by Government) | |
|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--|---|------------|
| Major % | 0% | 0% | 75% | 70% | 70% | 67% | 73% | 66% | | | | | Major % | 60% | 60% |
| Minor % | 92% | 95% | 92% | 90% | 90% | 89% | 88% | 89% | | | | | Minor % | 80% | 65% |
| Other % | 96% | 95% | 94% | 94% | 94% | 95% | 93% | 93% | | | | | Other % | 90% | 80% |

| <i>Appeals</i> | Apr-19 | May-19 | Jun-19 | Jul-19 | Aug-19 | Sep-19 | Oct-19 | Nov-19 | Dec-19 | Jan-20 | Feb-20 | Mar-20 |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Total number of appeal decisions (Monthly) | 16 | 17 | 8 | 16 | 22 | 13 | 18 | 10 | | | | |
| Number Allowed against our refusal (Monthly) | 4 | 9 | 2 | 8 | 5 | 4 | 5 | 2 | | | | |

| | | | | | | | | | | | | |
|---|----|----|----|----|----|----|-----|-----|--|--|--|--|
| Total number of appeal decisions (Cumulative) | 16 | 33 | 41 | 57 | 79 | 92 | 110 | 120 | | | | |
| Number Allowed against our refusal (Cumulative) | 4 | 13 | 15 | 23 | 28 | 32 | 37 | 39 | | | | |

AGENDA ITEM NO. 6D

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