

5m 3/11/1808/FP – Conversion and extensions and alterations to existing sheds to provide 6 live work units at Monks Green Farm, Monks Green Lane, Brickendon for William Ashley and Partners.

Date of Receipt: 12.10.2011

Type: Full - Minor

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

RECOMMENDATION:

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

1. Three year time limit (1T12)
2. Boundary walls and fences (2E07)
3. Materials of construction (2E11)
4. Refuse disposal facilities (2E24)
5. Lighting details (2E27)
6. Contaminated land survey and remediation (2E33)
7. New doors and windows (2E34)
8. Prior to the first occupation of the development hereby approved, the parking areas shown on the approved plans shall be provided and retained at all times thereafter.

Reason: To ensure a high quality site layout and adequate off street parking provision for the development in the interests of highway safety, in accordance with Policy ENV1 and TR7 of the East Herts Local Plan Second Review April 2007.
9. Landscape design proposals (4P12) parts d, e, i, j, k and l
10. Landscape works implementation (4P13)
11. The development hereby permitted is solely for the provision of live/work units. Prior to the first residential occupation of any of the habitable floorspace, the associated working space shall have been constructed and

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made available for use as such. Once initial occupation has commenced, the associated working space for each unit shall be retained as shown on the approved plans and not be used for any other purpose.

Reason: To ensure the provision and retention of the working space associated with each of the live/work units proposed.

12. No external storage (5U07)
13. No external working (6N06)
14. Approved plans (2E10) – 1, 11/MGF/SC/01C, 11/MGF/SC/02C and 11/MGF/SC/03C

Directives:

1. Other Legislation (01OL)
2. Street name and numbering (19SN)
3. You are advised that if great crested newts are found during development, work must stop immediately and ecological advice taken on how best to proceed legally.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, GBC9, GBC10, TR7, EDE7, ENV1, BH1, BH2 and BH3. The balance of the considerations having regard to those policies, the previous permission lpa 3/11/0079/FP and PPG2 is that permission should be granted.

Please note that under new regulation 11D of the Town and Country Planning (fees for applications and deemed applications) (amendment) (England) Regulations 2008, a fee is chargeable of £85 per request (or £25 where the related permission was for extending or altering a dwelling house) for the discharge and/or confirmation of compliance with a condition. To avoid any unnecessary cost we would recommend that you submit all the required information for discharge of conditions in one application as the fee is payable per request.

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1.0 Background:

- 1.1 The Farm is sited to the south of Hertford, as shown on the attached OS extract. The three current buildings which are proposed for conversion are sited within the existing farm yard and surrounded by other agricultural buildings used in connection with Monks Green Farm. The buildings are currently used to house chickens. Due to changes in farming regulations, a larger more suitable building (ref 3/98/0762/FP) has been erected to the east of the application site to house chickens. The farm has diversified with a portable toilet company located in a building adjacent to the chicken sheds, which has a lawful B1 and B8 use.
- 1.2 The application seeks permission for the conversion, extension and alteration of the three existing buildings to provide 6 units of live/work accommodation each providing 2 bedrooms, dining/kitchen and living room, as well as an associated B1 space. Each of the proposed units would have a habitable floorspace of around 120sqm and an associated work area of between 50 and 60sqm. All accommodation is single storey level. For each unit the B1 floorspace amounts to around 33% of the total.
- 1.3 In respect of the required alterations, there would be a reduction in the length of the two outer barns by 5.5 metres. The majority of the central barn is removed and the remainder re-modelled forming a link between the two currently separate outer barns.
- 1.4 This is a minor application but is reported to the committee as it is submitted by a Member of the Council.

2.0 Site History:

- 2.1 Members may recall that planning permission was granted under Ipa 3/11/0079/FP for the conversion, extensions and alterations of the existing buildings to provide 6 live work units at the 9 March 2011 meeting of the committee.
- 2.2 Planning permission was also previously granted under Ipa 3/08/1739/FP for the conversion, extensions and alterations to existing buildings to create 4 live work units, including the creation of a basement. This permission expired on 24th November 2011.

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2.3 The main change between the extant 2011 permission and the proposal now being considered is the re-siting of 2 of the work areas to group all the work areas to the eastern end of the building. Other minor fenestration changes in connection with the re-siting of the workspaces are also proposed.

3.0 Consultation Responses:

3.1 Hertfordshire Highways have commented that they do not wish to restrict the grant of permission.

3.2 Hertfordshire Biological Records Centre have recommended that a condition be imposed on any approval with regard to great crested newts.

3.3 No comments have been received from the County Historic Environment Unit, but on lpa 3/11/0079/FP they commented that the proposal is unlikely to have an impact upon significant heritage assets and therefore made no specific comments.

3.4 The Councils Housing Section have commented that the application is for 6 live/work units and that they would expect 2 affordable dwellings be provided, but as the dwellings are live/work units in a rural area it may be appropriate to discuss with the applicant the tenure of any potential units.

3.5 At the time of writing the report, no comments had been received from the Councils Waste Section, Building Control Section or Environmental Health Section or from National Grid.

4.0 Parish Council Representations:

4.1 Brickendon Parish Council has made no comments.

5.0 Other Representations:

5.2 The application has been advertised by way of press notice, site notice and neighbour notification.

5.3 At the time of writing the report, no letters of representation had been received.

6.0 Policy:

6.1 When considering the application a number of policies contained in the Adopted Local Plan must be taken into account. These include:

GBC1: Appropriate Development in the Green Belt

GBC9: Adaptation and re-use of Rural Buildings

GBC10: Change of Use of an Agricultural Building

TR7: Car Parking – Standards

EDE7: Live/Work Units

ENV1: Design and Environmental Quality

ENV16: Protected Species

BH1, BH2 and BH3 relating to archaeology.

Planning Policy Guidance Note 2: Green Belts

Planning Policy Statement 7: Sustainable development in rural areas.

7.0 Considerations:

7.1 In determining this application it is necessary to consider the compatibility of the proposals with Green Belt policies; whether the principle of the conversion is acceptable and whether the proposal would have a detrimental impact on highway safety, visual amenity, neighbour amenity or on protected species.

Principle of development

7.2 The site lies within the Metropolitan Green Belt, an area of development restraint wherein planning permission will not be given for the construction of new buildings or for changes of use, with limited exceptions. National planning policy in PPG2 and the Councils Local Plan policies set out that such development is considered inappropriate. The adaptation and re-use of agricultural buildings is however permissible because the buildings are already in place and their continued use therefore should not have a greater impact on openness – the primary attribute of the green belt.

7.3 Certain qualifications are involved, in that the buildings should be capable of conversion without substantial rebuilding, uses around the building should not conflict with the aim of green belts and the buildings should generally be in keeping with their surroundings. In this case it is considered that these criteria are generally met. Substantial rebuilding is not required to implement the proposals, indeed, a current element of the existing built form is demolished. In addition, existing feed holding silos located on the buildings, would be removed, having a beneficial

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impact on the green belt.

- 7.4 It is not proposed to introduce other uses around the building. Current hard space is to be softened to provide a central courtyard area and surrounding private amenity space. Subdivision of this by fencing will have some impact on openness, but this is considered to be minimal. The character of the buildings are in keeping with their surroundings.
- 7.5 Because of this, the proposals are not considered to constitute inappropriate development and therefore the test of judging whether the significant harm that would be caused by inappropriate development is clearly outweighed by other considerations does not need to be applied.
- 7.6 Similar policy provisions are applied in the Councils Local Plan. Policy GBC1 sets out that the adaptation and reuse of rural buildings is an acceptable form of development. Detailed criteria for the reuse of buildings are set out in policies GBC9 and 10.
- 7.7 It is considered that the proposals sit comfortably when judged against most of the criteria set out in those two policies. Policy GBC9(I)(e) sets out that proposals should not result in the creation of visually intrusive hardstanding. Provision is made to the west of the buildings for 13 parking spaces and a vehicle turning area. However, this is more than compensated for, in terms of the amount of hardstanding, by the softening of other areas around the building that are currently hard surfaced and the reduction in scale of the existing middle building.
- 7.8 Policy GBC9(II)(c) requires consideration to be given to the possible provision of affordable housing. Members will note that Housing Officers have raised this matter. The location is one that is distant from services and facilities and not one that would normally be favoured for affordable housing. The housing also is of a specialised nature, not appropriate for the general need occurring in the district. The applicant indicates that the properties will be occupied on a rental basis. No specific control is suggested in relation to this so the tenure would be akin to rental in the private housing market.
- 7.9 Some weight has to be assigned against the scheme given the question of the potential for affordable housing. As this seems remote however it is suggested that this contrary weighting is very limited.
- 7.10 In support of the proposals, policy EDE7 sets out the Councils approach to the creation of live/ work units. The proposals meet the criteria set out in that policy and, in fact, the changes now proposed seek to ensure that it is more acceptable in relation to the potential impact of the working

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areas on the neighbouring residential occupiers. Previous permissions for this use have been granted in relation to this building in 2008 and earlier this year.

- 7.11 Whilst there is no mechanism to ensure the use of the work element of the overall floorspace, conditions can be applied which ensure the space is provided and is not put to another purpose.
- 7.12 The above Local Plan Policies are supported by Planning Policy Statement 7: Sustainable Development in Rural Areas (2004) which outlines the Government's objectives for rural areas and provides guidance for Local Planning Authorities in delivering these objectives through the operation of the planning system. It states that planning authorities should support a wide range of economic activity in rural areas, and should set out in their Local Development Frameworks their criteria for permitting economic development in different locations, including future expansion of business premises to facilitate healthy and diverse economic activity in rural areas.

Highways

- 7.13 County Highways have raised no objection to the 6 live work units and Officers do not anticipate that the scale of development would impact adversely upon the highway network. The increase in traffic is considered not to have a significant adverse effect on the local rural environment.
- 7.14 The proposal provides for 18 parking spaces, which equates to 3 spaces per unit. This is considered acceptable for each 2 bed live/work unit and associated B1 use in accordance with the Councils SPD. The layout of parking and access is per the earlier 2011 application and remains acceptable.

Neighbouring amenity

- 7.15 In respect of neighbours amenity it is considered that the location of the site in relation to nearby residential properties and other businesses is such that there would be no adverse impact on their amenity from noise disturbance or similar, and that any impact would not be significant when considering the previous level of traffic generation and noise created from these units and the wider farm itself. However, as stated previously, a condition preventing outside working is recommended to prevent any unacceptable neighbour amenity impact.
- 7.16 In respect of the levels of amenity that the development will provide for

future occupiers, I am satisfied that the layout of the units does offer an acceptable level of amenity. Indeed the grouping of the work areas is considered likely to result in fewer disturbances to residential amenity. Furthermore, it is noted that the relationship of the work element to the live is a similar relationship to other properties on the farm.

- 7.17 The layout of the development provides for an internal communal landscaped courtyard. This provides the occupiers with adequate external amenity space and is well designed in its layout and design. A landscaping condition has been imposed to ensure that the hard and soft landscaping to this courtyard (and to the parking area) is appropriate to its context.

Protected Species

- 7.18 With regard to protected species and in particular great crested newts, Herts Biological Records Centre have advised that as the development is confined to the farmyard on an area of hardstanding, the habitat is unfavourable for great crested newts and the development therefore proposes minimal risk. A directive has been imposed to advise the applicant that if great crested newts are found during development that work must stop and advice taken on how to proceed legally.

8.0 Conclusion:

- 8.1 To conclude, Officers are of the view that the development is acceptable. The principle of the conversion for live/work units is established by the previous 2008 and early 2011 permission and the level of alterations and extensions proposed is acceptable. It is not necessary to apply the test of considering whether the harmful impact of inappropriate development in the green belt is clearly outweighed, as this is a form of development that largely fits with policy restrictions.
- 8.2 Whilst some elements of the proposal are not entirely compatible, no harmful impact is perceived and any incompatibility is considered to be amply outweighed by the policy support nationally and locally for the provision of units of this nature. It is recommended that approval is forthcoming.