

**3/10/0033/FP - Extensions to brick built 1960's building and erection of new dwelling to rear with associated access and landscaping and use of land to the front of the adjacent barn as overspill car parking for up to 10 vehicles at Great Hormead Village Hall, Great Hormead, Buntingford, Herts, SG9 0NR for Hormead Village Hall Management Committee**

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**Date of Receipt:** 04.02.2010

**Type:** Full – Minor

**Parish:** HORMEAD

**Ward:** BRAUGHING

### **RECOMMENDATION**

That planning permission be **REFUSED** for the following reason:-

1. Inadequate all year round provision is made within the site for the parking of vehicles in accordance with the Council's adopted standards for car parking provision and the applicant is unwilling to commit to the payment of a financial contribution to enable a Traffic Regulation order to be made. The proposal would therefore be likely to result in on-street parking, causing obstruction to the free and safe flow of traffic, thereby exacerbating traffic congestion on the nearby road network to the detriment of highway safety and contrary to policy TR7 of the East Herts Local Plan Second Review April 2007.
2. The application site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The proposed use of agricultural land for overspill car parking would form inappropriate development that would be prejudicial to this policy and would be harmful to the character, appearance and openness of the Rural Area. The proposal would thereby be contrary to policies GBC2, GBC3 and ENV1 within the East Herts Local Plan Second Review April 2007.

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#### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The full background to the site is outlined within the previous Committee report which is attached at Appendix A to this report.

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- 1.3 Members will recall that the current planning application was deferred at the 31<sup>st</sup> March 2010 Development Control Committee meeting in order to seek clarification in relation to the potential use of the adjacent site for overspill car parking and how the profit from the building plot would be required to be used for the construction of the village hall and for no other purposes.
- 1.4 Amended plans were received by the applicant on the 15<sup>th</sup> June 2010 which now includes the land to the west of the hall, which is in front of the adjacent agricultural barn within the application site. The application has been amended to propose the change of use of this land to provide overspill car parking for the proposed village hall.
- 1.5 A letter has been submitted from the owner of the adjacent land which states that a license has been drafted for the Village Hall committee to use part of the barn forecourt for overspill car parking and a copy of the draft license has been provided.
- 1.6 Amended plan no. 302.01c shows 10 potential parking spaces to the front of the adjacent barn.
- 1.7 Since the previous Committee meeting an additional letter has been submitted by the applicant which confirms their intentions that any profit from the sale of the building plot would be reinvested in the Village Hall land and property. The letter states that the management committee are happy to enter into a Section 106 agreement and that such an agreement would almost certainly also be required by the charity commission.
- 1.8 A full re-consultation on the amended plans and description of the proposal has been carried out, involving letters sent to neighbours and all consultees as well as the application being re-advertised in the press and a new site notice being displayed. The initial representations received on the planning application remain relevant and these are summarized within the report attached at Appendix A. However, any further representations made since the consultation took place in relation to the amended plans are summarised below.
- 1.9 The applicant has provided verbal confirmation that they would be unwilling to enter into an agreement to provide the financial contribution of £8,000 that County Highways have requested to pay for a Traffic Regulation Order (TRO) should planning permission be granted.

### **2.0 Site History**

- 2.1 The history of the site is detailed within the previous Committee report which is attached at Appendix A.

### **3.0 Consultation Responses**

- 3.1 County Highways have confirmed that as the use of the overspill car parking area is restricted to outside normal weekday business hours and between October and July they object on the grounds that this would increase the likelihood of vehicle parking within the public highway leading to conditions detrimental to the safe and free flow of traffic.

A further 10 spaces would be available for use at certain times giving an overall total of 23 convenient useable off-road car parking spaces. In County Highway's original representation on the application it was noted that the Councils SPD recommended a maximum provision of 31 spaces based on gross floor area. Quite clearly there is still a shortfall on maximum standards which given the rural location and reliance on private car is always going to be a difficult issue to resolve.

In responding to the previous proposal it was highlighted that the main issue in terms of vehicles parking on the public highway was to the west of the site where the alignment of the road impacted upon the forward visibility for drivers to such an extent that passing parked vehicles would be a hazard to safety. It was however acknowledged that up to 11 vehicles could comfortably be accommodated on-street to the east of the site. Occasional parking in this location would not have the same visibility and highway safety issues as parking on-road, west of the site would bring.

Whilst this may be the case there would be nothing to stop drivers from parking along the stretch of road where it has been highlighted there are safety problems apart from common sense. Therefore a formal Traffic Regulation Order (TRO) prohibiting parking should be considered alongside the overspill facility.

Comments from the applicant are acknowledged relating to the current use and demands for parking and the assertion that, particularly with the overspill provision, on-road parking would be extremely infrequent.

With regard to the TRO, should planning permission be granted, it is recommended that the applicant be required to make a financial contribution via S106 rather than insisting that the TRO be in place prior to occupation. This is a reasonable approach as it will allow the use of the site to commence and give a period of time to assess the actual, rather than perceived need for parking restrictions. It also provides an opportunity to take action should the overspill parking agreement fail in the future. In this respect Herts Highways advise that a sum of £8000 is an appropriate figure that would cover all the statutory consultation, advertising and publication of Orders and actual cost of implementation works.

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As with the previous proposal the scheme is along the lines agreed at pre-application stage, with the exception of the width of the shared drive. As this drive serves as access to and from the new dwelling and also acts as the exit for village hall traffic the width must be a minimum of 4.1m whereas it appears to be just over 3m in width on the plan which is insufficient to allow for two way traffic. It is acknowledged however that the width of the drive could be increased on land forming part of the application and without detriment to the parking layout and therefore should planning permission be granted a condition is recommended to overcome this issue.

- 3.2 The Council's Conservation Officer has commented that the agreement that the barn forecourt would be used for temporary overspill car park will have little impact on the character and appearance of the Conservation Area. However their concerns outlined in March in relation to the initial application have not been overcome.
- 3.3 A representation has been made by the Council's Engineer which states that they are unable to comment on whether the new layout has improved on the flood risk characteristics of the site.
- 3.4 The Environment Agency has commented that they are satisfied that a dry access and egress exists for the proposed development.
- 3.5 The Council's Landscape Officer has commented that there is no change in landscape terms and therefore their original comments still stand.

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

- 4.1 Hormead Parish Council has submitted a representation stating that they have resolved to approve the plans submitted.
- 4.2 A member of the Parish Council has verbally raised concerns that the Parish Council meeting was not conducted in a valid manner. However, this is not a matter that the Local Planning Authority is responsible to investigate.

#### **5.0 Other Representations**

- 5.1 11 additional letters of representation have been received since the consultation on the amended plans took place. The new issues that have been raised in addition to those outlined within the previous committee report can be summarised as follows:-
- Even with the provision of the overspill car parking the number of parking spaces is insufficient;

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- Loss of mature trees;
- Access in a flood risk area;
- The agreement with the owners of the land where the overspill car parking is proposed states that the area can not be used between 25<sup>th</sup> July and 1<sup>st</sup> October each year;
- The reference made by a Committee Member that the adjacent road is straight was misleading;
- Previous planning permission for a village hall should not set a precedent;
- Impact upon local playgroup;
- The proposed development would prevent access to Half Acre Cottage for the delivery of oil.

### **6.0 Policy**

- 6.1 The relevant 'saved' Local Plan policies in this application remain the same as those outlined within the previous Committee report.

### **7.0 Considerations**

- 7.1 The considerations in respect of the extension to the existing village hall and the erection of a new dwelling on the site were set out in the report to Committee in March, which is attached as Appendix A to this report. It is not proposed to re-iterate these considerations within this report, but to only consider the amended aspect of the proposal, namely the proposed overspill parking area, and to discuss the means by which the profits from the proposed residential building plot can be secured to be used in relation to the extension of the village hall.
- 7.2 In considering the amended plans, Members should consider whether the proposed overspill car parking overcomes the reason for refusal that was previously recommended by Officers in respect of the inadequate provision of parking within the site; whether the proposed development complies with the Policies within the Development Plan and where a departure from Policy is proposed whether sufficient special circumstances exist to warrant the grant of planning permission in this case.
- 7.3 The applicant has estimated that the overspill car park would be used on less than 5 occasions a year and has stated that there has been just 2 occasions in the past 12 months when hall users have had more than 10 cars in the car park. The applicant has also confirmed that they would be willing to comply with a restriction to the number of times that the overspill car park can be used. Whilst the comments of the applicant are noted in respect of the frequency of the use of the overspill car park, it is considered

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that this should not be a determining factor in considering the acceptability of the use of the land. The extended and re-furbished village hall will be some 89 square metres larger than the existing hall, and this increase in size together with the much improved facilities may arguably result in an increase in the number of people using the hall, and thus an increase in demand for car parking. The applicant's willingness to comply with a restriction as to the number of times the overspill car park can be used is noted, however Officers consider that such a restriction would be unenforceable and would not sufficiently negate the harm that the proposed change of use would have to the rural character of the area.

- 7.4 Furthermore, it is evident from the draft Car Parking Licence submitted with the amended plans that the owner of the overspill parking area would only make the land available for use outside normal weekday business hours and between the first day of October and the twenty fifth day of July each year. Therefore the parking area would not be available for use in August and September each year, thus resulting in insufficient parking provision being available in those months. In addition whilst there is no doubt that the parking agreement has been entered into in good faith, it can be withdrawn subsequently without reference back to the Council.
- 7.5 County Highways object to the proposal as the use of the overspill car park area would be restricted to outside of weekday business hours and between October and July.
- 7.6 The proposed overspill car park would not allow for all year round provision for the required number of parking spaces for the village hall and as such Officers do not consider that the previously recommended reason for refusal in relation to an inadequate parking provision has been sufficiently overcome. Due to the inability to provide all year round overspill car parking an inadequate provision is made for the parking of vehicles within the site and the proposal would therefore be likely to result in on-street parking, causing obstruction to the free and safe flow of traffic, thereby exacerbating traffic congestion on the nearby road network to the detriment of highway safety.
- 7.7 The applicant has confirmed that they would be unwilling to enter into an agreement to provide the financial contribution that County Highways consider necessary for the implementation of a TRO should planning permission be granted. A TRO would ensure that visitors to the village hall use of the car park and overspill car park as opposed to parking on the road and therefore Officers are concerned that the absence of the means to provide a TRO would add to the likelihood of on-street parking.

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- 7.8 Members will note that paragraph 7.10 of the Officer's previous report to committee stated that *Officers are concerned by the proposal to provide overspill car parking on the adjacent land to the west of the site, which is currently occupied by an agricultural barn. This would constitute further inappropriate development that would form an incursion into the Rural Area.* The proposed overspill parking area is located within the Rural Area beyond the Green Belt as designated within the Local Plan. The use of land within the Rural Area for car parking is not specified in Policy GBC3 as appropriate development. It is therefore necessary to consider whether special circumstances exist in this case to warrant a departure from Policy and whether the proposed parking area would be harmful to the visual amenities of the site and the surrounding Rural Area. The applicant has not put forward any special circumstances to justify a departure from Policy in respect of the parking area, and Officers are concerned that the proposed car parking area represents an incursion of the use of the village hall outside of the existing site and into land that is within agricultural use and designated as an area of growth restraint (Rural Area).
- 7.9 It is acknowledged that the area of land that is proposed to be used for overspill car parking is already hard surfaced and therefore it is not anticipated that any operational development would be necessary in order for this use to be implemented. However, it is the activity together with the presence of non-agricultural vehicles on the site that would form an intrusion into the rural area to the detriment of the existing character and appearance of the surrounding area and would detract from the openness of the land by reason both of the physical presence of vehicles and the activities associated with them.
- 7.10 Turning now to the issue of ensuring that the profits made from the sale of the building plot are used for the construction of the new hall, the applicant has confirmed in writing that they are willing to enter into a Section 106 agreement to this effect. Officers are satisfied that such an agreement could be reached and would be satisfactory to ensure that the profits from the building plot are used for the new village hall.
- 7.11 With regards to the additional representations that have been made by local residents many of the issues have been previously raised and considered within the Committee report which is attached as Appendix A. Officers do not consider any of the new issues that have been raised to warrant the refusal of the application other than for the reasons given at the head of this report.



**8.0 Conclusion**

- 8.1 The applicant is unable to provide all year round overspill car parking for the village hall and as such the previous reason for refusal that was recommended by Officers in relation to car parking has not been sufficiently overcome and an inadequate provision is made for the parking of vehicles within the site. The applicant is unwilling to enter into an agreement to provide the financial contribution that County Highways consider necessary for the implementation of the TRO and as such the cumulative effect of the inability to provide all year round over spill parking and the lack of the means to provide a TRO would result in on-street parking, causing obstruction to the free and safe flow of traffic, thereby exacerbating traffic congestion on the nearby road network to the detriment of highway safety.
- 8.2 The proposed overspill car parking would constitute inappropriate development within the Rural Area and the use of agricultural land for car parking would represent an incursion into the Rural Area which would detract from the openness of the land by reason both of the physical presence of vehicles and the activities associated with them. Furthermore, the proposed car park would not provide year round provision for car parking.
- 8.3 Having regard to the above considerations and those that are set out within the report attached as Appendix A, it is recommended that planning permission is refused for the reasons given at the head of this report.