

**5f 3/11/1641/FP – Erection of 2 no Market Houses and 1 No live/work unit (amended scheme) at 279 - 280 Hertingfordbury Road, Hertingfordbury, SG14 2LQ for Mrs Shepherd**

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**Date of Receipt:** 16.09.11

**Type:** Full – Minor

**Parish:** HERTFORD

**Ward:** HERTFORD – CASTLE

**RECOMMENDATION:**

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

1. Time limit (1T12)
2. Approved plans (2E10) 586 08A, 586 15, 586 16, 586 17, 586 18.
3. Samples of materials (2E12)
4. New doors and windows (2E34).
5. Sample Brickwork Panel (2E35).
6. All rain water goods shall be in black painted cast iron or such metals as may otherwise be agreed in writing with the Local Planning Authority.

**Reason:** To ensure the historic and architectural character of the Hertingfordbury Conservation Area and in accordance with adopted local plan policy BH6 and national guidance in PPS5 “Planning for the Historic Environment”.

7. Provision and retention of parking (3V23)
8. Landscaping Design Proposals (4P12) a, b, h, i, k. Add “The proposals shall include the works to the highways verge in front of new units one and two”
9. Landscape Works Implementation (4P13)
10. Withdrawal of permitted development Part 2 Class A (2E21) Fences etc.
11. Prior to the first occupation of the units hereby permitted the works of repair to the listed building No 279, and the landscaped enhancement of its setting, shall be completed in accordance with an approved schedule of repairs that shall be submitted and approved in writing by the local

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planning authority and the approved landscape proposals approved by condition 8.

Reason: Having regard to the special justification for the approved development contrary to local plan policy GBC1 and national planning guidance for Green Belts in PPG2.

#### 12. Live/work unit (5U14)

##### Directives:

1. Other legislation (01OL)
2. Bats (32BA)
3. The applicant is advised that in order to comply with this permission it may be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The applicant is advised to contact the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757880) to obtain the requirements on the procedure to enter into the necessary agreement with the highway authority prior to commencement of development
4. In view of the close proximity of the structures to the public highway the applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to contact the Hertfordshire County Council Bridge Manager in connection with the requirements of Department of Environment, Transport and Regions Department Standard BD 2/05: Technical Approval of Highway Structures. Further details can be obtained from Hertfordshire Highways, Highways and Transport Asset Management Unit, Highways House, 41 - 45 Broadwater Road, Welwyn Garden City, Herts AL7 3AX"
5. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757800).

**Summary of Reasons for Decision**

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, HSG8, OSV3, ENV1 and BH6 and Planning Policy Guidance 2 “Green Belts” and Planning Policy Statements 5 – Planning and the Historic Environment. The balance of the considerations having regard to those policies and the other material considerations relevant in this case is that permission should be granted.

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**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract. It was once a builder’s yard and alehouse and the combined site was owned and run as an outlet for agricultural and motor parts since the 1950’s by Mr Shepherd until his death in 2010.
- 1.2 The site is located on the south side of Hertingfordbury village within the Hertingfordbury Conservation Area and also within the Metropolitan Green Belt. Although it is in the built up area of the village, Hertingfordbury is identified as a Category 3 village wherein Green Belt policy restrictions apply.
- 1.3 The site is at the western entrance into the village and lies adjacent to a listed building 279 Hertingfordbury Road which has been subject of related proposals for single and two storey rear extensions. These extensions and alterations have now been approved (Ref: 3/11/1643/FP and 3/11/1644/LB).
- 1.4 The site lies slightly above the road level which is in a cutting at this point. Houses opposite to the north are on higher ground and further along is the Prince of Wales PH with its frontage car park. The land slopes up from the road to the back where it lies adjacent to the allotments gardens. Access to these allotments and a small car parking area for its users and the village are to the west side of the site.

**2.0 Site History:**

- 2.1 There is no recent planning history to the site. In 1978 a lawful use certificate was refused and dismissed at appeal. The Inspector

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concluded that the site was used for wholesale warehouse purposes in connection with motor vehicle, engineering and agricultural and industrial purposes.

- 2.2 Application and consent has been granted already (Ref: 3/11/1640/LC) for the demolition of existing retail and storage buildings at the site. An application (Ref: 3/11/1642/FP) for the construction of 5 no. market houses, which was submitted jointly with the current application, remains undetermined pending the outcome of this now amended application.
- 2.3 The current proposal is the outcome of further negotiation and has reduced the proposed development the subject of this application to a 2 dwelling and one live work unit scheme from the original 4 dwellings and a live / work unit.

### **3.0 Consultation Responses:**

- 3.1 Thames Water advise of developer responsibilities and requirements for drainage approvals.
- 3.2 County Highways consider the application for redevelopment of a disused engineering works remains acceptable in a highways context. Traffic generation will not differ significantly compared to the potential of the existing site. Car parking and turning space are provided. They recommend conditions to ensure the completion of junction and access arrangements, details of the highways verge to the front of the site, the use of bound vehicle surfaces and measures to avoid dust, mud being deposited on the highway.
- 3.3 The County Archaeologist advises the development is unlikely to have an impact upon significant heritage assets
- 3.4 The Conservation Officer recommended refusal to the original scheme for 4 market houses and a live work unit and the 5 market house proposals. This scheme was considered harmful to the setting of the listed building and the Conservation Area. The Conservation officer is supportive of this amended and reduced proposal scheme. It is considered that the new unit 3 at the rear of the listed building 279 will not be too dominant in height and scale as its roof eaves will now be level with the ridge line of No 279 Hertingfordbury Road and this unit is well set back providing much improved garden amenity space for the listed building.
- 3.5 She comments that the existing small scale industrial buildings are of low

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key visual impact and have a neutral impact on the Conservation Area but also that they are of limited interest or potential to convert and there is no objection to their demolition.

3.6 The water colour visualisations are especially helpful in illustrating the juxtaposition of old and new and she is now happy to support the revised design.

3.7 Herts Biological Records Centre note the bat surveys that have been carried out and the high potential of No 279 for bats although the outbuildings were assessed as being unsuitable. They recommend demolition works proceed with caution and the removal of weatherboarding and roof tiles proceed by hand. In the event of bats being found work must stop immediately and ecological advice taken on how to proceed

#### **4.0 Town Council Representations:**

4.1 Hertford Town Council has no objection to the development.

#### **5.0 Other Representations:**

5.1 Following receipt of the amended plans, a further round of consultation was carried out.

5.2 A resident of St Mary's Lane objects to the application arguing that she has had a bungalow refused and other residents cannot get anything built in the village so this requires an explanation. She objects that the proposal would generate more traffic onto the Hertingfordbury Road. She sets out a precedent argument anticipating and expecting other permissions for development if permission is granted for these proposals.

#### **6.0 Policy:**

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of Sites not Allocated in this Plan
HSG3	Affordable housing
HSG4	Affordable housing Criteria
HSG5	Rural Exceptions Affordable Housing

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GBC1	Green Belts
TR7	Car Parking - Standards
EDE2	Loss of Employment Sites
EDE7	Live/work units
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV9	Withdrawal of Domestic Permitted Development Rights
ENV16	Protected Species
BH6	New development in Conservation Areas
OSV3	Category 3 Villages

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

Planning Policy Guidance 1, Delivering Sustainable Development,  
Planning Policy Guidance 2: Green Belts  
Planning Policy Statement 5: Planning for the Historic Environment

### **7.0 Considerations:**

- 7.1 The application site is within the village of Hertingfordbury which is designated as a Category 3 village in the adopted Local Plan. Within such villages there is no policy allowance for infilling development and as the village is in the Metropolitan Green Belt the general policy restrictions continue to apply.
- 7.2 Any proposal for new residential development is therefore contrary to local plan policy GBC1 as well as national guidance in PPG2 Green Belts and amounts to inappropriate development within the Green Belt.
- 7.3 The main issue to consider in the determination of this application is therefore whether, taking all the material issues into account, weight can be assigned to positive impacts such that the harm in green belt terms and any other harm, is clearly outweighed. If that is the case then very special circumstances are demonstrated and planning permission can be granted.

#### **Other Harm**

- 7.4 It is necessary first then to consider whether there is any other harm in addition to the green belt harm. The potential for this is considered below.
- 7.5 Employment; With regards to the employment consideration, local plan policies will generally require a retention of employment use of even non

allocated employment sites subject to the criteria of Policy EDE2. In this case the site has been retained in the original family ownership and has not been fully marketed to see if any interest would be shown in the site for employment use. The existing buildings are of limited potential for re-use purposes and new build employment space would itself be contrary to Green Belt policy. There appears to be no local support for employment use as indicated by this application, and in fact a concern is raised by the Parish Council that employment might continue at the site.

- 7.6 Therefore although the applicant has not marketed the site in accordance with EDE2 (a), given the potential for planning gains by a good quality redevelopment of the site and because of the harm that continued employment use itself may cause, it is concluded that the lack of employment reuse of the site should not be considered as additional harm.
- 7.7 Housing: A wholly affordable housing scheme would be a development that would accord with rural exceptions policy HSG5 and GBC1 for Category 3 villages in the Green Belt. At pre-application stage the question of whether affordable housing was possible at the site was examined but was not supported by the Council's Housing Team. Its view is that affordable housing provision to serve local needs would be better located in nearby Hertford. The applicants have also implied the need to raise the value of the site to enable the repair of the main listed house (at 279 Hertingfordbury Road). Although this has not been tested by detailed submissions it is clear that requiring affordable housing provision would impact further on the value of the scheme. Some harm must be assigned to the residential development in this location with the lack of affordable provision, but this is considered to be limited.

#### Benefits of development

- 7.8 Given that the development, by definition, is harmful and other harm has been identified by virtue of the lack of any affordable housing provision, it is necessary to consider whether these matters are outweighed by other issues. These are considered below.
- 7.9 Design and layout: In general, officers have accepted that given the number of quite poor and vacant buildings at the site there is scope to enhance both the openness of the Green Belt and the setting of the listed buildings by their removal. Existing buildings at the rear of No 279 are poor and physically impinge on its setting leaving it little rear garden. The applicants argue that development enables the repair of No 279. It is unproven however that simply demolishing the existing buildings to

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provide better space for No 279 would not itself be a commercial proposition if the site were marketed for this. In other words, improvements could be secured to that property solely by demolition without the need for new build.

- 7.10 Officers have consistently questioned the scale of proposals for the site and the justification for the amount of development being proposed. Officers concerns have related to reducing the density to that which could demonstrably bring real additional benefits for the setting of the listed building, the openness of the Green Belt and the character of the Conservation Area. The design of the scheme has therefore undergone significant revision with the number of dwellings proposed being reduced by two since its first submission and now allowing for the improvement of the setting to the listed building and a greater openness to the site at its western end benefiting the Green Belt and the Conservation Area.
- 7.11 The proposed houses have been designed and scaled to carefully assimilate within the street scene. Units one and two, which front Hertingfordbury Road, are one and one and a half storeys in height respectively and feature traditional pitched tiled roofs with low roof eave lines and gable-ended bays. These are considered to respect the street scene and the setting of the neighbouring listed building.
- 7.12 Unit 3 has been subject of detailed design work and lowered into the ground to ensure it relates comfortably with its listed neighbour. Attractive in its own right it will not be much noticed from the main road and so although of two storeys in height it is not considered there is any adverse impact on its surroundings as a result.
- 7.13 The indicative boundary treatments at the site are primarily for hedge planting to secure an enhancement of the surroundings including the approach to the public allotments on the south side of the site. A planning condition for a full landscaping scheme is recommended to secure the details of this and the details of the front highways verge as required by County Highways.
- 7.14 Officers consider then that the proposed amended design would make a positive addition to the Hertingfordbury Road street scene. It would be of benefit to the Conservation Area, particularly with reference to the existing listed building. The redesign of the scheme has resulted in a much improved appearance to the proposed buildings, and one that relates much more clearly to the relative simplicity of many of the neighbouring properties.



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- 7.15 It is considered then that, notwithstanding the conflict with the principle of development in the green belt, the proposals are beneficial in terms of openness overall by virtue of the overall reduction in built form. They are also beneficial in relation to the setting of a listed building and to the character of the Conservation Area. That area is enhanced.
- 7.16 Parking and Amenity space: Car parking provision is placed to the rear within 7 landscaped parking bays. County Highways are happy with the provision and the layout reduces their prominence within the development. The access to the rear unit 3, which lies immediately to the rear of No 279 would be through the rear car parking area. Each of the units will also have access to reasonable and private garden spaces. I therefore consider that in its provision of parking and amenity spaces the development is acceptable. This is not given beneficial weight in this proposal but is acceptable.
- 7.17 Protected Species: the evidence of bats was more persuasive for the listed building than the outbuildings and the site subject of this particular application. A suitably worded directive is proposed so that applicants remain vigilant in the event of evidence being found later of protected species. Again, beneficial weight is not applied, but this matter is acceptably dealt with.
- 7.18 Neighbouring Amenity: The area is residential in character and the layout of dwellings will not overlook or otherwise result in any harm to the amenity of neighbours. The removal of the established use to an extent also secures the benefit for neighbours, the B1 use element of the live work unit is acceptable in a residential area and a condition is proposed to regulate this use. No objections have been received on this point and in my view the proposal will be acceptable in regard to neighbouring amenity.

### **8.0 Conclusion:**

- 8.1 The proposed development involves 2 new dwellings and a live / work unit within the Green Belt contrary to the general policy restraint of Policy GBC1. The development is inappropriate in the green belt and must be, by definition, harmful. Some additional harm is considered to be caused by the lack of provision of affordable housing as a part of the proposals. However, as a result of the proposals, I believe there will be positive benefits for the setting of the existing listed building, the openness of the Green Belt as well as the appearance of the site and the Hertingfordbury Conservation Area.

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- 8.2 The lack of re-provision of employment use of the buildings, or the redevelopment of the site for employment uses, is not given harmful weight because of the impact this may have. Indeed, the removal of the potential for employment use, other than the live work element, is considered to be beneficial.
- 8.3 The only objection made by a third party to the proposal is that the Council is being inconsistent in the application of policy in the village. However these proposals as negotiated are considered to provide benefits to justify a departure from Green Belt policy. The green belt harm is lessened as the impact is in fact greater openness. That and the other modest harm is considered to be outweighed by the benefits of the proposals. Each site and set of circumstances must be taken on its own merits. While it may be viable for the site to secure these benefits with a lesser amount of development, in planning terms the gains are sufficient to clearly override the harm caused by its inappropriateness in Green Belt terms.
- 8.4 For these reasons it is considered that there are “very special circumstances” to justify inappropriate development in the Green Belt. Subject to the conditions outlined at the head of this report, it is recommended that planning permission be granted for the proposed development.