

- 5h a) 3/12/0587/FP – Change of use of agricultural land to form a vehicular car park for employees and extension to yard area (part retrospective) and b) 3/12/0588/FP – Retrospective application for change of use of agricultural land to form extension to existing scaffolding yard and two temporary structures at Connect Scaffolding, Hadham Park, Hadham Road, Bishop’s Stortford, CM23 1JH for Mr C Oliver of Connect Scaffolding
- 

Date of Receipt: a) 04.04.2012  
b) 17.04.2012

Type: a) Full – Minor  
b) Full - Minor

Parish: LITTLE HADHAM

Ward: LITTLE HADHAM

**RECOMMENDATION:**

a) That, in respect of 3/12/0587/FP, planning permission be **GRANTED** subject to the following conditions:

1. Approved Plans (2E10)  
Insert 211211DWG007 Rev A and 211211DWG008 Rev A
2. Within 3 months of the date of this permission, full details of soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, as appropriate: (a) Planting plans; (b) Written specifications (including cultivation and other operations associated with plant and grass establishment); (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; (d) Implementation timetables. 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 policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

3. Within 6 months of the date of this permission the area of land used for the parking of cars shall be hardsurfaced in materials to be previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. The car park shown hatched in green on plan ref. 211211DWG007 Rev. A shall be used solely for the parking of vehicles and not for the storage of scaffolding or machinery.

**a) 3/12/0587/FP and b) 3/12/0588/FP**

Reason: In the interests of the appearance of the site, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Groundwater Protection Zone (28GP)

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, TR7, TR8, ENV1 and ENV2) and the National Planning Policy Framework. The balance of the considerations having regard to those policies, the viability and operation of the business and mitigation measures available to limit visual impact, is that permission should be granted.

b) That, in respect of 3/12/0588/FP, planning permission be **GRANTED** subject to the following condition:

1. Approved Plan (2E10)  
Insert 211211DWG003 Rev A; 211211DWG004 Rev A; 211211DWG005 Rev A; 211211DWG006 Rev A and 211211DWG009 Rev B

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 GBC3, ENV1 and ENV2) and the National Planning Policy Framework. The balance of the considerations having regard to those policies, the viability and operation of the business and the limited visual impact caused is that permission should be granted.

\_\_\_\_\_ (058712FP.EA)

**1.0 Background:**

- 1.1 The application sites are shown on the two attached OS extracts. The Connect Scaffolding site is accessed from the A120 between Little Hadham and the roundabout junction for the A120/Bishop's Park Way/Hadham Road. The access to the site is opposite the access road to Cradle End.

## **a) 3/12/0587/FP and b) 3/12/0588/FP**

- 1.2 Application a) seeks part retrospective permission for the change of use of agricultural land to form a 60 space car park for employees and an extension to the yard area. This area of land is located to the north of the existing yard on an area of open agricultural land. Some initial works for the construction of the car park have been completed, and although the land has not yet been properly hard surfaced, at the time of the Officer's site visit the land was being used for the parking of vehicles. The extension to the yard area which forms part of application a) has been completed, and extends the yard area which contains the office buildings associated with the use of the site and an area for car parking. This yard area is surrounded by approximately 3-4 metre high black painted metal sheeting.
- 1.3 Application b) seeks retrospective permission for the change of use of agricultural land to the west of the site to form an extension to the existing scaffolding yard and two scaffold structures within the existing consented yard area. This yard is also enclosed by black painted metal sheeting which is approximately 3-4 metres high. To the north, south and west of the extended yard area, a belt of landscaping has been planted.

## **2.0 Site History:**

- 2.1 A Certificate of Lawfulness was issued in August 2004 for use of part of the site for a scaffolding supplier and erectors depot (ref. 3/04/1407/CL).
- 2.2 In December 2004, retrospective planning permission was granted for the change of use of yard and buildings to scaffold erectors depot (ref. 3/04/1408/FP).
- 2.3 A complaint was made to the Council in September 2011 that a car park was being created to the north of the existing site. An application was submitted in September 2011 (ref. 3/11/1735/FP) to regularise the situation. However during the consideration of this application Officers noted that an expansion of the existing scaffolding yard (which now forms the subject of application b)) had taken place and the applicant withdrew the application to enable applications to be submitted concurrently for both unauthorised developments.
- 2.4 The applications which are the subject of this report have been submitted to regularise the existing situation on the site.

## **3.0 Consultation Responses:**

- 3.1 Veolia Water have commented on application (a) that the site is located

## **a) 3/12/0587/FP and b) 3/12/0588/FP**

within the groundwater Source Protection Zone of the Causeway Pumping Station and, to reduce the groundwater pollution risk, construction works and the operation of the development site should be done in accordance with the relevant British Standards and best Management Practices.

- 3.2 At the time of writing, the full formal response of County Highways had not been received; however they have initially commented that a highways objection to the applications is difficult to justify. They state that fundamentally the proposals relate to a single user rather than a multitude of use classes and companies. The schemes are unlikely to change the way the site operates at present, current levels of traffic generation are unlikely to change and the access arrangements are appropriate for the current level of usage. If a further response is received from Highways it will be reported to Members at the committee meeting.

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

- 4.1 No comments have been received from Little Hadham Parish Council on the applications.

### **5.0 Other Representations:**

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

- 5.2 Nine letters of representation have been received in respect of application a). Two letters are in objection to the application which raise the following points:

- The car park is inappropriate development within the Green Belt and is harmful to the openness of the Green Belt;
- The metal sheeting surrounding the extended yard area impacts in an unacceptable way on the openness of the Green Belt and is out of keeping with the surroundings;
- Regard should be had to recent refusals of planning permission and enforcement action for changes of use of land in the Little Hadham area;
- There are no special circumstances that would justify the development;
- The spread of the premises into the Green Belt is not acceptable.

- 5.3 Seven letters of support have been received which can be summarised

## **a) 3/12/0587/FP and b) 3/12/0588/FP**

as follows:

- The importance of supporting local businesses which provide vital employment for local people should be given greater weight than the minimal impact that the development would have;
- The additional car parking is needed to enable them to park the cars of their staff and customers and to enable them to continue to build their business;
- The business provides work for many workers in Little Hadham and the surrounding villages;
- The business provides a service to the local community and supports many local charities and sports clubs, and also runs an apprentice training scheme.

5.4 In respect of application b), seven letters of support have been received which can be summarised as follows:

- The importance of supporting local businesses which provide vital employment for local people should be given greater weight than the minimal impact that the development would have;
- The business provides work for many workers in Little Hadham and the surrounding villages;
- The business provides a service to the local community and supports many local charities and sports clubs, and also runs an apprentice training scheme.

## **6.0 Policy:**

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

GBC1	Appropriate Development in the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping

6.2 In addition the National Planning Policy Framework is of relevance to the consideration of the applications.

## **7.0 Considerations:**

**Application a) – Part retrospective change of use of agricultural land to form a vehicular car park for employees and extension to**

## a) 3/12/0587/FP and b) 3/12/0588/FP

### yard area

7.1 The determining issues in relation to this application are:

- The principle of the development;
- Impact on openness, character and appearance of Green Belt;
- Highways considerations;
- Impact on neighbour amenity;
- Other material considerations.

### Principle of Development

7.2 The site of application a) lies within the Metropolitan Green Belt as designated within the Local Plan. Policy GBC1 of the Local Plan sets out the types of development or uses of land which are considered to be appropriate development within the Green Belt. Whilst the use of land for car parking is not specifically mentioned within the policy as appropriate development, the policy does state that the material change of use of land or engineering operations within the Green Belt will be inappropriate unless they maintain openness and do not conflict with the purpose of including land in the Green Belt.

7.3 The applicant argues that the car parking development is in accordance with policy GBC1 as the development preserves the openness of the Green Belt. Officers however do not consider that this is the case, and do not consider that either the car park or the extension to the yard area would preserve the openness of the Green Belt. Officers therefore consider that the development represents inappropriate development within the Green Belt, and substantial weight should therefore be given to the harm by reason of inappropriateness. Planning permission should therefore be refused unless there are other material considerations to which such weight can be given that clearly outweigh this harm caused by inappropriateness and any other harm.

### Other Harm

#### Impact on openness, character and appearance

7.4 Officers consider that the development would result in some loss of openness to the Green Belt and result in a change to the character and appearance of the area. The hardsurfacing of the car park area does change its appearance from that of its original use as agricultural land, and the parking of vehicles on the land will no doubt impact on the openness of the Green Belt. There are existing bands of mature

**a) 3/12/0587/FP and b) 3/12/0588/FP**

landscaping which run along the western boundary of the car park, and further to the north and east of the site which somewhat enclose the site from longer views, and the development is screened from the south by existing buildings (outside of the Connect Scaffolding site). However, notwithstanding the existing screening, the development does erode the openness of the Green Belt to some extent and is inevitably a change to the character and appearance of the area.

- 7.5 The extension to the yard area is also considered to result in the loss of openness to the Green Belt and results in a change to the character and appearance of the surrounding area. As previously set out, the yard has been enclosed by 3-4 metre high solid metal sheeting which provides a hard edge to the site. However, the extension to the yard only represents an increase of approximately 360 square metres (which compared to the existing authorised yard areas is fairly limited in size), and as outlined above, there are existing bands of mature landscaping to the north, east and west of the site which do help to screen the site from longer views, and from the south the site is screened by existing buildings. However, again it is considered that, notwithstanding the existing screening, the development does erode the openness of the Green Belt to some degree and is inevitably a change to the character and appearance of the area

Highway Considerations

- 7.6 County Highways have commented that a highways objection to the applications is difficult to justify. They state that fundamentally the proposals relate to a single user rather than a multitude of use classes and companies. The schemes are unlikely to change the way the site operates at present, current levels of traffic generation are unlikely to change and the access arrangements are appropriate for the current level of usage.
- 7.7 Taking these comments into account, it is considered that a refusal on highways grounds would not be justified.
- 7.8 Policy TR8 of the Local Plan states that accessibility contributions, based directly on the number of on-site car parking spaces provided, will be applied to all new developments that generate a need for new parking provision. In this case the car park was required to improve the efficient operation of the business and replace the unsuitable existing car parking arrangements on site (previously employees had to park adjacent to the existing buildings which posed Health and Safety risks due to conflicts with scaffolding lorries). Therefore, whilst the car park may now provide slightly more spaces than could be accommodated within the existing

**a) 3/12/0587/FP and b) 3/12/0588/FP**

site, it is considered that the car park remedies an existing unsatisfactory arrangement for parking within the site. Taking this into account, it is considered that, in this case, it would not be reasonable to seek the accessibility contribution as required by Policy TR8.

Impact on neighbour amenity

- 7.9 The nearest residential property to the application site is that of Hadham Park which is some 60m away, and between the application site and the dwelling there are a number of existing buildings, some of which appear to be in commercial use. To the south of the application site is the settlement of Cradle End which is approximately 400 metres away, and to the east of the application site (some 800 metres away) is the residential development at Hadham Hall.
- 7.10 It is considered that the use of the land for car parking and the limited extension to the yard would not result in a significant increase in the levels of activity on the site. Taking this into account and the distance to nearby residential properties, it is considered that the development would not have any harmful impacts in this respect.

Other Material Considerations

- 7.11 Given that the development, by definition, is harmful and that other harm has been identified as set out above, it is necessary to consider whether these matters are outweighed by other issues.
- 7.12 The National Planning Policy Framework states that the Government is committed to securing economic growth in order to create jobs and prosperity, and it states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It goes on to state that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural area. It is considered that significant weight should be attached to this consideration.
- 7.13 The applicant has set out in their application, justification for the development. They state in their submissions that they are a well established local business which has operated from the site for some 19 years, and they currently employ 80 local employees. Clearly the business has grown since it was first established on this site in 2004, and the needs/requirements of the business have changed. Having regard to the scale of the business and the level of storage required to operate the business, it is Officer's opinion that finding another site to accommodate this business within a built-up area where there would be no objection in



**a) 3/12/0587/FP and b) 3/12/0588/FP**

principle to such development, would be very difficult. It is the view of Officer's that regard should be had to this, and also to the requirement for space to ensure that the business remains viable.

- 7.14 Specifically in respect of the employee car parking area, the applicant has commented that the provision of this area is required to improve the efficient operation of the business and replace the unsuitable existing car parking arrangements on the site.
- 7.15 The applicant has also commented that it is proposed to hardsurface the car park using a cellular grass paving system which would allow grass to grow through giving a natural appearance. It is the view of Officer's that such a paving system would assist in reducing the impact of the development on the character and appearance of the area. Furthermore, it is considered that the provision of landscaping around the parking area would further assist in reducing the impact of the development. Such landscaping could be secured by a condition attached to any grant of permission. It is considered by Officer's that some weight should be attached to the ability to reduce the impact of the development on the character and appearance of the area.
- 7.16 In order to support this application, the Council would need to be satisfied that the benefits of the scheme clearly outweigh the harm caused by inappropriateness and the identified harm to the openness and character and appearance of the area. A balancing exercise must therefore be undertaken between the harm caused and the positive impacts of the scheme. Officers have undertaken that exercise and, for the reasons set out above, consider that the matters put forward in support of the development are of sufficient weight to clearly outweigh the harm that would be caused by this development. On balance therefore Officers accept that there are very special circumstances in this case to justify this inappropriate development in the Green Belt.

**Application b) – Retrospective application for change of use of agricultural land to form extension to existing scaffolding yard and two temporary structures**

7.17 The determining issues in relation to this application are:

- The principle of the development;
- Impact on the character and appearance of the rural area;
- Highway considerations;
- Impact on neighbour amenity;
- Other material considerations.

**a) 3/12/0587/FP and b) 3/12/0588/FP**

Principle of development

- 7.18 The site of application b) lies within the Rural Area beyond the Green Belt as designated in the Local Plan. Policy GBC3 sets out the types of development or uses of land which are considered to be appropriate development in the Rural Area. The use of land for the storage and distribution of scaffolding and the erection of buildings to be used for the storage of scaffolding, are not specified within the policy as appropriate development. The development therefore represents inappropriate development within the Rural Area. Planning permission should therefore be refused unless there are other material considerations to which such weight can be given that outweigh this harm by inappropriateness and any other harm.

Impact on the character and appearance of the area

- 7.19 The extended yard is enclosed by a 3-4 metre high solid black painted metal enclosure, which is visible from the south and east. Furthermore the roofs of the scaffold structures are also visible from outside of the site, although much of the scaffolding which is stored within the site is not visible from outside of the site. Notwithstanding the limited visibility of the stored scaffolding, the development has resulted in a change to the character and appearance of the surrounding area.
- 7.20 However, balanced against this must be the fact that there is a lawful use on the site as a scaffold depot. The existing use did have an impact on the character and appearance of the area, and consideration must therefore be given as to whether the extension to the yard creates a harmful impact over and above that impact which previously existed. When viewed from the surrounding countryside, it is the view of Officer's that the site appears as a rural farmstead. The only difference in the appearance of the site between the situation now and prior to the extension to the yard being undertaken, is that the yard now encroaches further into the surrounding countryside. The boundary treatment to the edge of the site remains the same as before.
- 7.21 The site is set amongst a number of other buildings which appear to be in commercial use. The site does not therefore appear as a standalone development within the Rural Area, but appears to be part of a group of buildings, which have the appearance of having previously been in agricultural use. Furthermore, there is established landscaping along the eastern and northern boundaries of the site which has helped to provide a softer edge to the site.

### **a) 3/12/0587/FP and b) 3/12/0588/FP**

7.22 It is also interesting to note that the submitted application form indicates that the extension to the yard was completed in December 2009. It was not until Officer's visited the site in 2011 that the unauthorised development was noticed. In Officer's view, this indicates that the extension to the yard has not resulted in a significant change to the appearance of the site as the extension to the yard has gone unnoticed for a number of years.

7.23 Taking into account the above considerations, whilst it is acknowledged that the development has result in a change to the character and appearance of the Rural Area, it is considered that in this case the harm caused is not significant.

#### Highway Considerations

7.24 As set out in the consideration of application a), County Highways have commented that a highways objection to the applications is difficult to justify. They state that fundamentally the proposals relate to a single user rather than a multitude of use classes and companies. The schemes are unlikely to change the way the site operates at present, current levels of traffic generation are unlikely to change and the access arrangements are appropriate for the current level of usage.

7.25 Taking these comments into account, it is considered that a refusal on highways grounds would not be justified.

#### Impact on neighbour amenity

7.26 As stated earlier in this report the site is approximately 60 metres from the nearest residential property, 400 metres from the settlement to the south of Cradle End and 800 metres from the residential development at Hadham Hall to the east. It is acknowledged that by its nature a scaffolding depot may result in some noise and disturbance, particularly with regard to the movement of scaffolding within the site. However, no objections have been received to this application, and the Council's Environmental Health team has confirmed verbally that they have not received any recent complaints in respect of the site and its operations.

7.27 Taking into account that the site has a lawful use as a scaffold erectors depot, the size and location of the extended yard and its relationship to nearby residential properties, it is considered that the development would not result in any significant harm in this respect to warrant refusal of the application.

#### Other Material Considerations

**a) 3/12/0587/FP and b) 3/12/0588/FP**

- 7.28 It has been identified that the development is contrary to policy GBC3 of the Local Plan, and Officer's therefore need to consider whether material considerations exist in this case to warrant a departure from policy. Many of the material considerations which are relevant to this application are similar to those considered in respect of application a), and regard should therefore be had to those considerations previously outlined.
- 7.29 Of particular regard to the consideration of this application, the applicant has set out that since 2006 they have been using the Layher scaffolding system which is a safer and more efficient alternative to traditional scaffolding. However, they have set out that this system requires greater storage space (some 40-50% more space than traditional scaffolding). The need for additional storage space has been further exacerbated in the last two years due to the recession and the slump in the building industry, meaning that scaffolding is stored on the premises for longer periods of time, rather than being transported directly from one job to the next.
- 7.30 When Officer's visited the site, the extent of the business' storage requirements was evident. It is considered that the availability of alternative sites within built up areas (where there would be no objection in principle to development) and which would provide for the scale of storage which is necessary, would in this case be difficult to find.
- 7.31 Whilst the site is located within the Rural Area as designated in the Local Plan, the site is around half a mile from the edge of the built up area of the settlement of Bishop's Stortford. Furthermore, the site is well located in respect of transport links particularly to the A120 and the M11. The business operates across London and the South-East and the need for good transport links is therefore evident.
- 7.32 It is considered that the location of the site close to the edge of a settlement; the difficulty Officer's consider there would be in finding a suitable site within a built up area; the proximity of the site to good transport links and the Government's support for sustainable growth and expansion of all types of business and enterprise in rural areas, are matters which should be weighed positively in the consideration of this application.
- 7.33 Taking the above considerations into account and the limited visual impact of the development, it is considered that material considerations exist in this case which warrant a departure from policy.

**8.0 Conclusion:**

**a) 3/12/0587/FP and b) 3/12/0588/FP**

- 8.1 Having regard to the above considerations, it is acknowledged that the developments are contrary to policies GBC1 and GBC3 of the Local Plan. However, it is considered that material considerations exist in this case to warrant a departure from policy, and in the case of application a) it is considered that very special circumstances exist in this case to justify inappropriate development in the Green Belt. It is therefore recommended that planning permission is granted for both applications.