

**3/14/1615/FP – Demolition of existing industrial units; Erection of 3no. 5 bedroom detached dwellings, 2 No. single storey (B1) office buildings, creation of associated parking areas and ancillary works at Former Helmer and Dyer Yard, High Wych Lane, High Wych, Sawbridgeworth, CM21 0JJ for Helmer and Dyer and Sons Ltd**

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**Date of Receipt:** 03.09.2014

**Type:** Full – Minor

**Parish:** HIGH WYCH

**Ward:** MUCH HADHAM

**RECOMMENDATION:**

That planning permission is **REFUSED** for the following reason:

1. The proposed dwelling houses, and in particular Plot 1, by reason of their size, scale, design and siting would result in a cramped form of development that would fail to be sympathetic or subservient to the Grade 2 Listed Building on the site. The proposal would therefore be detrimental to the setting of this Listed Building and would be out of keeping with and detrimental to the character and appearance of the surrounding area and the High Wych Conservation Area contrary to Policies ENV1, OSV2, HSG7 and BH6 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

**Summary of Reasons for Decision**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

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**1.0 Background**

- 1.1 The application site is shown on the attached OS Map. It is located within the Green Belt and within the High Wych Conservation Area.
- 1.2 The site is occupied by a thatch roofed Grade 2 Listed Building which fronts onto the junction of High Wych Road and High Wych Lane.

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- 1.3 To the rear of the Listed Building are a number of permanent and temporary structures that are used for commercial purposes. Extending from the rear elevation of the Listed Building is a single storey rear extension to the building that, according to the Planning Statement submitted, dates back to the 1920s. This structure is constructed from a mix of brick and block work with a corrugated roof.
- 1.4 The proposal is for the demolition of the existing industrial units; the erection of 3no. 5 bedroom detached dwellings, 2 No. single storey (B1) office buildings and the creation of associated parking areas and ancillary works.
- 1.5 The Listed Building is proposed to be retained as offices. The detached 2 storey dwellings would be located to the rear of the Listed Building. Plot 1 would be sited directly behind and within 7 metres of the rear elevation of the Listed Building. Plots 2 and 3 would be located to the rear and side of the Listed Building and would be set back by approximately 18-20 metres from the boundary with High Wych Lane.
- 1.6 Offices 1A and 1B are proposed to the west of the proposed new dwelling houses. Offices 2 and 3 are proposed within a north western extension of the site and would be set back 6-7 metres from the boundary of the site with the neighbouring residential dwellings to the east, The White House and 1 and 2 Orchard Cottages. Both of the office buildings are single storey and are designed with pitched roofs reaching a ridge height of 4.5-4.6 metres.
- 1.7 It should be noted that amended plan Nos. 22309/17A and 22309/18/A were submitted during the course of the planning application to reduce the office building forming Offices 2 and 3 from a two storey to a single storey building. A full 21 day re-consultation took place with neighbours and the Parish Council in respect of these amended plans.
- 1.8 The existing site access from High Wych Lane is proposed to serve the 3 new dwelling houses and the offices that would remain within the Listed Building. The new office buildings would be accessed from an existing access point located within the south western part of the site which leads onto High Wych Road. Whilst this existing access onto High Wych Road appears to have been in place for some time, it appears that it is not currently used as regularly as the main site access onto High Wych Lane.
- 1.9 The application is being reported to Committee at the request of Councillor M Carver.

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### **2.0 Site History**

The relevant planning history for the site is as follows:

An application made, under lpa reference 3/14/0553/FP, for 3 dwellings and 2 office units was withdrawn in June 2014.

Listed Building Consent was granted in April 2014 for the demolition of industrial units under lpa reference 3/14/ 0651/LB.

In 2004 planning permission was granted for the erection of a single storey warehouse, to replace unauthorised portacabins to the rear of the site, under lpa reference 3/04/0168/FP.

Planning permission and Listed Building Consent was granted in 2003 under lpa reference nos. 3/03/0616/LB and 3/03/0615/FP for alterations to the Listed Building within the site.

Planning permission was granted for reserved matters in 1998, under lpa reference 3/98/0759/RP, (following the grant of outline permission in 1995 under lpa reference 3/95/0001/FP) for the erection of 5 terraced cottages and 1 house.

### **3.0 Consultation Responses**

- 3.1 The Conservation Officer has recommended refusal. They have stated that in assessing the mass and scale of the new dwellings this is considered incongruous when balanced against the long narrow plan form associated with the single storey historic core of the thatched building, elements which will continually compete with the significance of the heritage asset. They comment that elements of the design reflect the wider character of the area, with little or no response to the listed building, the combination of which undermines the character of the immediate setting. Whilst it is recognised that the mass and scale of plot 1 has been amended to address the concerns that were previously raised, the amendments are not considered to overcome these issues. The scale and design of the building remains unsympathetic to the setting of the heritage asset as it does not sit subserviently in the setting.

In assessing the mass, scale, design and siting of the office blocks these are considered to have little or no impact on the historic and architectural character and appearance of the surrounding conservation area.

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In summary, the proposed three dwellings undermine the immediate setting of the listed building and as such the character of the wider area from which they can be viewed.

- 3.2 County Highways do not wish to restrict the grant of permission. They comment that sufficient space for parking and turning is provided within the site and traffic generation is unlikely to be significant having regard to the site's previous use. They have received concerns over parking at peak times on the private access road which will serve the office buildings and the LPA should take these concerns into account and see if the developer can assist with enforcement/restriction of delivery times of goods vehicles.
- 3.3 The Council's Landscape Officer recommends approval and states that there would not be an unacceptable impact upon trees and that there is insufficient landscape grounds for refusal. However, the alignment and juxtaposition of the proposed footprints for the new dwellings with the existing Listed Building results in an awkward geometry. The arrangement of built forms on the site is tight, particularly with respect to plot 1 and the listed building - giving the impression of overdevelopment of the site.
- 3.4 Environmental Health have recommended conditions in respect of construction hours of working, contaminated land and piling works.

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

- 4.1 High Wych Parish Council are in favour of the redevelopment of the site. However, it has several significant areas of concern with the suitability and sustainability of the current proposal. Their concerns can be summarised as follows:
- Loss of amenity due to two storey office block that formed part of the original proposal;
  - Inadequate parking provision;
  - Access onto High Wych Road is inadequate to support larger vehicles;
  - Impact on already strained drainage and sewerage facilities.

#### **5.0 Other Representations**

- 5.1 The application has been advertised by way of a site and press notice and neighbour notification.

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5.2 3 No. objections have been received from neighbouring residents and the High Wych Primary School and 2 letters of support. In addition a petition of 'objection' has been submitted which has been signed by 62 people. The concerns that have been raised can be summarised as follows:

- A number of petrol containers have supposedly been buried under the site, where the new dwellings would be built ;
- The assessment made in respect of tree T001 is questionable as access has not be gained from the neighbouring dwelling house. The Council's Tree Officers has previously confirmed that the root protection area of this tree is 8.7 m not 7.2 m as detailed in the submitted tree survey;
- Justification for the felling of other trees is questioned;
- Office building 2 and 3 will interrupt the views of the countryside to the adjoining neighbouring properties,
- Concerns in respect of the original height proposed for office building 2 and 3 and the loss of privacy and impact upon outlook that this has;
- Insufficient parking provision;
- The site access for the offices off of High Wych Road compromises the safety for pedestrians and users of the community hall car park, the majority of which are parents and pupils of the primary school;
- The school will have 232 children in January 2015 who primarily arrive by car;
- Turning space is questionable and large vehicles reversing out onto the road would be dangerous;
- Cars currently park along the access to the site/entrance into the adjoining car park;
- The existing access onto High Wych Road has only been used a handful of times over recent years;
- Additional strain on sewers and drains;
- An opportunity has been missed for affordable housing at this site and the adjoining Old Bakery site;
- Noise impact of offices;
- The reductions in height to office building 2 and 3 is welcomed, however the windows within this building are still facing east, towards the neighbouring dwellings resulting in a loss of privacy.

5.3 The letters of support from local residents state that the industrial use of the site has caused noise and other disturbance and that the development of the site will improve this and the appearance of the site, it will provide much needed employment to the village within the offices

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and that the houses will provide stable and long lasting homes.

- 5.4 A letter of support has been received from Willis Architectural Ironmongery Ltd, who currently occupy the listed building within the site. They comment that the proposal would improve the appearance of the site and result in refurbishments and upgrades to the listed building which are much needed.

## **6.0 Policy**

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

GBC1	Appropriate Development in the Green Belt
OSV2	Category 2 Villages
TR2	Access to New Developments
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV16	Protected Species
EDE2	Loss of Employment Sites
BH6	New Developments in Conservation Areas
HSG3	Affordable Housing
HSG7	Replacement Dwellings and Infill Housing Development

- 6.2 The provisions of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also of relevance to this application.

## **7.0 Considerations**

- 7.1 The determining considerations for the current application are as follows:

- The principle of the development;
- Affordable Housing;
- Loss of an employment site;
- The impact upon the setting of the Listed Building and the character and appearance of the High Wych Conservation Area;
- Impact upon neighbour amenity;
- Parking and access arrangements.

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### Principle

- 7.2 The site is located within the Green Belt, wherein Policy GBC1 of the Local Plan allows for specific types of appropriate developments including limited infill development within the Category 2 Villages, in accordance with Policy OSV2.
- 7.3 Policy OSV2 states that within the built-up area of Category 2 Villages, infill housing and small-scale employment development may be permitted subject to specific criteria which includes that there would be no unacceptable loss of employment, an affordable housing provision is made, in accordance with Policies HSG3 and HSG4, the site does not form a significant open space important to the settlement and the proposal is sensitively designed respecting the character, visual quality and landscape of and is satisfactorily integrated into the village.
- 7.4 Officers consider that the majority of the site falls within the built-up area of the Category 2 Village of High Wych. However, Officers are of the view that the north western projection of the site, where Offices 2 and 3 are proposed, is outside of the built-up area. Therefore, the proposed development of this part of the land forms a departure from Policy GBC1 and should only be granted permission where there are very special circumstances. However, Paragraph 89 of the NPPF allows for the redevelopment of previously developed sites, as an appropriate form of development within the Green Belt where it would not have a greater impact upon openness than the existing development. This part of the site appears to be used for some general storage in connection with the commercial use of the existing site and a concrete base has been constructed within part of the site which appears to be in connection with the warehouse building that was granted permission in 2004 under lpa reference 3/04/0168/FP.
- 7.5 Officers consider that the proposed new office building would have a greater impact upon openness than the existing concrete base and the casual storage that takes place within this part of the site. However, the impact of the office building has been significantly improved by the amended plans received during the course of the application which have reduced this building from a two storey to single storey building. Furthermore, the land in question is currently separated from the adjoining open Green Belt land to the north and west by a fence and a line of mature trees and therefore its quality as Green Belt land is considered to be poor and the contribution that it currently makes to openness and the character of the area is limited. Having regard to the benefits of utilising this land for office space, to ensure that a good level of employment remains within the site, and the limited contribution that

this land currently makes to the character of the area, Officers consider that the impact that the proposed development of this part of the site would have upon the openness of the Green Belt would be limited and not unacceptable in this case. It is therefore considered that very special circumstances exist in this case to justify the departure from Green Belt Policy and to agree to the principle of the proposed development of this part of the site in connection with the current proposal.

- 7.6 The principle of developing the remaining site, which is considered to be within the built-up area of the Category 2 Village is acceptable, subject to compliance with Policy OSV2 and the other policies within the Local Plan and the NPPF. Officers consider that proposal complies with parts of Policy OSV2 in so far as it would meet an identified housing need; it would offer small scale employment; the site does not represent a significant open space or gap important to the settlement, and the proposal would not represent an extension of the village or ribbon development. However, Officers do have concerns in respect of the design, siting and scale of the proposed dwelling houses which impacts upon the character and appearance of the village, conflicting with criteria (h) and (j) of Policy OSV2, which will be dealt with in detail below, under the heading 'impact upon the setting of the Listed Building and Conservation Area'.

#### Affordable Housing

- 7.7 The temporary amendment to Policy HSG 3 outlines that affordable housing should be provided on sites proposing 4 or more dwellings or over 0.12 hectares in Category 1 and 2 Villages. The applicant has submitted a viability report to demonstrate that the provision of affordable housing within the site would not be viable and these findings were verified by an independent assessor instructed by the Council. However, due to recent changes in the National Planning Policy Guidance (NPPG) of November 2014 which now states that no affordable housing should be sought from developments of 5 units or less, Officers no longer consider that a contribution towards affordable housing can be justified, regardless as to whether or not this would be viable.
- 7.8 The failure to provide affordable housing within the site is therefore justified and now complies with national policy.



Loss of an employment site

- 7.9 Policy EDE2 of the Local Plan states that development that would cause the loss of an existing employment site, or one that was last in employment use will only be permitted where the retention of the site or premises for an employment use has been fully explored without success, evidence of which must be provided.
- 7.10 The applicant has explained that the existing buildings to be demolished within the site have a gross internal floor area of 483 sqm (131 sqm of office space and 352 sqm of storage). The proposed development would retain the office space within the Listed Building and result in an additional 298 sqm of office floor space. The proposal would therefore result in a loss of 185 sqm of commercial floor space. However, consideration must be given to the quality of commercial space that is proposed and the benefits to local employment that this could bring.
- 7.11 The existing buildings within the site are of a poor standard and the Planning Statement suggests that the rental paid is not sufficient to cover the on-going maintenance of the buildings or any improvements to them. The proposed development would enable the construction of two new office buildings that would provide modern facilities that would be more attractive for businesses and would provide longer term employment opportunities for the village. Furthermore, the commercial floor space that would be lost appears to be currently used for storage purposes which would typically provide a low level of employment. As the amount of office space provided within the site (which would generally provide a higher level of employment), would increase by approximately 67sqm, Officers anticipate that the proposal would not result in a significant, if any, reduction in the number of employment opportunities within the site.
- 7.12 The proposal would not result in the loss of an employment site. However, it would result in a mixed use development that would improve the commercial facilities that the site provides and would retain a sufficient level of employment. Officers therefore consider that the proposal complies with the aims of Policy EDE2 and OSV2 (a).

Impact upon the setting of the Listed Building and the character and appearance of the area and the High Wych Conservation Area

- 7.13 Having regard to the comments that have been received from the Conservation Officer, Officers consider that the proposed dwelling houses would have an unacceptable impact upon the setting of the

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Grade 2 Listed Building within the site and the character and appearance of the surrounding area and the High Wych Conservation Area.

- 7.14 The proposed dwelling houses are situated within close proximity to the rear of the Grade II Listed thatched building that occupies the frontage of the site. Whilst it is noted that the existing buildings within the site are situated to the rear of, and indeed adjoin the Listed Building, despite their ageing condition they are of a form, size and scale that appear as subservient additions. Single storey commercial and storage buildings are not an uncommon feature within the historic environment where space to the rear of Listed Buildings in commercial use may have been utilised for additional commercial space. However, the development of two storey dwellings within such close proximity (at its closest 7m is retained between the rear of the Listed Building and Plot1) of the single storey Listed Building would result in a somewhat cramped form of development and would have a significantly greater impact upon its setting than the subservient single storey buildings that they would replace. Furthermore, this cramped and over intensive form of development would fail to achieve a high standard of design and layout. It would not complement the existing pattern of development and would be out of keeping with the character and appearance of the surrounding area, contrary to the aims of Policies ENV1, OSV2 (h) and (j) and HSG7 of the Local Plan. It is noted that such close proximity between the Listed Building and Plot 1 would have resulted in an unacceptable loss of amenity had the listed building still been in residential use. Whilst this is not an impact that can be considered as part of the current proposal, as the building is not in residential use, this does identify that the proposed development would compromise the ability for the Listed Building to change back into a residential use at some point in the future, should it be deemed necessary to secure its long term preservation and retention.
- 7.15 The Conservation Officer has referred to the narrow plan form of the Listed Building. Whilst it is acknowledged that the proposed dwellings share some resemblance to the scale, form and design of existing residential properties nearby, they make no reference to the Listed Building which the Conservation Officer comments undermines its immediate setting.
- 7.16 Plot 1 in particular, which sits immediately to the rear of the Listed Building, with a distance of just 7 metres between its rear elevation and the front wall of the proposed two storey dwelling, would appear overbearing and dominant in relation to the Listed Building. The applicant has provided photomontages which seek to demonstrate that

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the proposed dwelling at Plot 1 would not be visible behind the Listed Building when viewed from the front of the site. However, this does not overcome the impact that buildings of this size, scale and design and within such close proximity would have upon the immediate setting of the Listed Building. Furthermore, the close proximity of the proposed dwellings to the Listed Building would be clearly visible when viewed from the north and through the open access into the site off of High Wych Lane. They would, therefore, impact not only upon the setting of the Listed Building but also on the character and appearance of the Conservation Area.

- 7.17 Paragraph 132 of the NPPF states that the significance of a heritage asset can be harmed or lost through development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Whilst the benefits of redeveloping the site are acknowledged, Officers do not consider that these are sufficient to justify the construction of dwellings of this size and scale within such close proximity to the Listed Building and the harm that this would cause to its setting.
- 7.18 The applicant has referred to the approval of dwellings at the neighbouring site, The Old Bakery, and contends that those approved dwellings will have a similar impact upon the Listed Building. Officers acknowledge that the dwellings approved at the Old Bakery site, under lpa ref. 3/13/1838/FP, are significantly higher than the Listed Building. However, Officers consider that this staggering of heights between properties that front onto the highway is not uncommon within the area or within the historic environment generally. The development of land to the rear of historic buildings that is significantly greater in height and scale and within such close proximity is, however, not common and does not follow the pattern of development within the area.
- 7.19 Officers have considered the recommendation for refusal that has been received from the Conservation Officer together with the explanations given within the Design and Access Statement in respect of the evolution of the design; the approval of the neighbouring scheme at The Old Bakery Site and have had regard to the other constraints to the site. However, Officers remain of the view that the proposed development would have an unacceptable impact upon the setting of the Listed Building and the character and appearance of the surrounding area and the Conservation Area.

Impact upon neighbour amenity

- 7.20 A number of the concerns originally raised by neighbours have now been overcome by the reduction of Offices 2 and 3 to a single storey building. Whilst this office building may well still be visible from the rear of the existing neighbouring dwellings to the east, having regard to its reduced size and its set back of 30-35 metres to the rear of these neighbouring dwelling houses, Officers do not consider that it would result in an unacceptable impact upon the amenities of these occupiers. The outstanding concerns that have been raised in respect of the siting of the ground floor windows within the eastern elevation are noted. However, the practical benefits of siting the windows and doors within the elevation that faces into the office forecourt are also noted and, as these windows would be screened by landscaping and fencing that is in place along some parts of this boundary, Officers do not consider that the impact of these windows would be unacceptable so as to justify the refusal of planning permission.
- 7.21 The proposed two storey rear projection to Plot 1 has a poor relationship with the adjacent dwelling that is proposed to be constructed within the Old Bakery Side. This rear projection would impact upon the outlook from this property. However, at its closest point this projection would be set back 3 metres from the boundary with this neighbouring site and as the window within the first floor of this elevation would be a secondary window which could be obscure glazed, Officers do not consider that there would be sufficient grounds to refuse planning permission due to this impact upon this neighbouring dwelling house.
- 7.22 Whilst it is acknowledged that the proposed development will have some impact upon the amenities of neighbouring occupiers, Officers do not consider that the proposal would result in an unacceptable degree of harm that would justify the refusal of planning permission for this reason.

Parking and access

- 7.23 County Highways have raised no objections to the use of the existing accesses into the site.
- 7.24 The concerns that have been raised by neighbours and the Parish Council in respect of the use of the access onto High Wych Road have been considered. It is noted that the access that leads from the site onto High Wych Road is also used by vehicles accessing the car park to the village hall. The village hall car park appears to be in heavy use

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daily, mainly by parents taking and collecting their children from the nearby primary school and therefore the concerns raised in respect of safety are fully understood. However, bearing in mind that this is a current access into the existing industrial site, that could be used at any time by a number of heavy vehicles and as the proposed development would result in the use of this access by the new office buildings alone, Officers do not consider that there would be any grounds to determine that the proposal would result in a severe highway safety impact so as to justify the refusal of planning permission. The comments made by County Highways in respect of the LPA ascertaining if the developer can assist with enforcement/restriction of delivery times of goods vehicles are noted. However, as a severe impact upon highway safety has not been identified then Officers do not consider that such restrictions would be necessary to make the development acceptable. As such, the imposition of any condition in this respect would be unreasonable.

- 7.25 The concerns that have been raised in respect of the parking provision made within the site are noted. The dwelling houses each have 3 parking spaces (1 space for two of the dwellings being provided within garages), which meets the maximum standards for dwellings with 4 or more bedrooms as set out within Appendix II of the Local Plan. 5 parking spaces would be retained for the office that would remain within the Listed Building and 12 parking spaces are proposed to serve the new office buildings. Appendix II of the Local Plan recommends a maximum parking provision of 1 space per 30sqm of office floor space which equates to a maximum provision of 10 spaces for the new offices. Whilst the parking provision proposed appears to exceed the maximum standards, the concerns raised by residents in respect of parking problems within the area are noted and Officers consider that the proposal to exceed the maximum standards would not be unacceptable in this case.

#### Other Matters

- 7.26 The concerns from neighbours relating to the accuracy of information submitted relating to trees have been raised with the Council's Landscape Officer. However they have concluded that the proposal would not have an unacceptable impact upon existing trees and therefore Officers consider there to be no grounds to refuse planning permission due to the impact upon trees and landscaping.

### **8.0 Conclusion**

- 8.1 The proposed dwelling houses, and in particular Plot 1, would have an

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unacceptable impact upon the setting of the Grade 2 Listed Building within the site and the character and appearance of the surrounding area and the High Wych Conservation Area, contrary to Policies ENV1, OSV2, HSG7 and BH6 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

- 8.2 Having regard to the above considerations it is recommended that planning permission is refused for the reason given at the head of this report.