

3/15/0040/FP – Demolition of redundant/disused motor repair workshop and erection of 1no 2 bedroomed dwelling at land at Kenton House, Hare Street, SG9 0EA for Mr D Madden

Date of Receipt: 15.01.2015

Type: Full – Minor

Parish: HORMEAD

Ward: BUNTINGFORD

RECOMMENDATION:

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

1. 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 potential retention and reuse of the premises and/or site for employment uses has not been fully explored. The proposed development therefore constitutes an inappropriate and unsustainable form of development. The proposed development will have a harmful impact on the amenity of the occupiers of the property to the south (Oak Cottage) by virtue of overlooking from the site. The proposals therefore are contrary to policies GBC3, ENV1 and EDE2 of the East Herts Local Plan Review April 2007 and section 7 of 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 extract and is located within the category 3 village of Hare Street. The application site comprises a detached building which has been used as a motor vehicle servicing and repairs workshop. That use has ceased but

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remains the lawful use of the building.

- 1.2 The building is set back from the main road which runs through the village by around 20 metres and features a gable constructed of red/brown brick. The front (west) elevation of the gable contains a garage door and window. Attached to that brick building is a timber barn type structure, which has a roof of modern corrugated metal. This part of the building is partially clad in weatherboarding and has two projections from it – a 5 metre projection to the rear serving a store and a 2 metre projection to the side serving a reception space for the garage use. Those projections to the barn structure are clad in modern corrugated metal sheets.
- 1.3 A planning application for ‘Alteration of existing motor repair workshop including removal of rear projection and change of use to a 2 bed dwelling’ was granted planning permission by the Development Management Committee on 12 November 2014.
- 1.4 The current application seeks the complete demolition of the existing buildings and the provision of a replacement 2 bed roomed dwelling.
- 1.5 The application is reported to the Committee at the request of Councillor Mrs R Cheswright.

2.0 Site History

- 2.1 Planning permission was originally granted for the provision of a detached dwelling (now known as Kenton House) under LPA reference E/541/48.
- 2.2 Planning permission was granted for petrol pumps and alterations to the garage forecourt under LPA references E/854/58, E/510-66, E/3948-72, and 3/1204-77.
- 2.3 Planning permission was granted in LPA reference 3/95/0412/FP for a change of use of garden shed and storage ancillary to the garage.
- 2.4 Planning permission was granted under LPA reference 3/14/1283/FP for ‘Alteration of existing motor repair workshop including removal of rear projection and change of use to a 2 bed dwelling’ by the Development Management Committee on 12 November 2014.

3.0 Consultation Responses

- 3.1 The Environmental Health Officer advises that any planning permission

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granted should include conditions relating to soil decontamination, construction hours of working and piling.

3.2 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission. Traffic generation is likely to reduce from the current commercial use and an appropriate level of parking and turning is provided.

3.3 Hertfordshire Ecology comment that they do not have any record of protected species for the site and the nearest record is around 800metres away. A directive is recommended advising of the need to consider ecology and cease work and seek ecological advice in the event that protected species are found during construction.

4.0 Parish Council Representations

4.1 No response has been received from Hormead Parish Council.

5.0 Other Representations

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

5.2 One letter of representation has been received during the processing of the application which raises concerns with regard to the impact on the setting of an adjacent grade II* listed building; the impact on neighbour amenity in terms of overlooking and overdevelopment of the site.

6.0 Policy

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

GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC9	Adaptation and Re-use of Rural Buildings
GBC10	Change of Use of an Agricultural Building
EDE2	Loss of Employment Sites
ENV1	Design and Environmental Quality
ENV16	Protected Species
BH1	Archaeology and New Development

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6.2 The NPPF (National Planning Policy Framework), NPPG and the emerging District Plan are also material to the determination of the application.

7.0 Considerations

- 7.1 The main planning consideration relates to whether the proposed development represents an appropriate and sustainable form of development in accordance with policy GBC3 of the Local Plan and the NPPF.
- 7.2 Policy GBC3 sets out that permission will not be given for new buildings within the Rural Area, or the settlements within it, other than in main settlements and category 1 villages. Hare Street is a category 3 settlement. The proposal represents an inappropriate form of development therefore in relation to the policy.
- 7.3 The objective of the policy is a sustainability one, in that introducing new buildings into the Rural Area, where there are few services to support uses or residents, is generally unsustainable.
- 7.4 Policy EDE2 of the Local Plan addresses the same issue, seeking to retain sites that have been used for employment purposes so that there is the potential for rural employment to be provided. This is tested by exploring whether the premises or site are attractive to an employment occupier through marketing. Policy EDE2 is therefore consistent with section 3 of the NPPF which also seeks to support a prosperous rural economy. Full weight should therefore be attached to it.
- 7.5 Insufficient evidence had been provided to demonstrate whether the existing buildings are capable of being used for continued business purposes as is required in policy EDE2. As indicated, the normal expectation would be that a marketing exercise be undertaken. In its absence, it is not possible to make a fully informed decision that a locally based employment use could not be forthcoming.
- 7.6 In sustainability terms then, introducing a new residential use into a rural area is harmful. The loss of a potential employment premises or site without exploration of the demand for its retention is also harmful. Balanced against that, an employment use itself may have some sustainability impact – in that customers may be drawn to it from a wide area. In addition, in this case, a residential use has already been permitted through conversion of the buildings, albeit, it appears that a new build is now preferred. On balance, it is considered that the impact of these proposals in sustainability terms does remain harmful.

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- 7.7 The Council is currently unable to demonstrate a five year supply of land for housing and the Council's housing policies are therefore out of date. The provision of a single dwelling will in a small way help to address this issue in accordance with the social dimension of sustainable development. This is given positive weight.

Amenity and setting

- 7.8 The proposed building has more significant proportions in terms of size, scale and height from that which exists (and which has consent to be converted). However, it is more modest in scale than the existing Kenton House. In addition, it will appear subservient to Oak Cottage, the listed building to the south, because it is set back from the road frontage by some 20m, whilst Oak Cottage is located directly on the frontage. By the same token, the setting of Oak Cottage as a listed building is not harmfully impacted upon. Indeed, removal of the current rudimentary workshop buildings could be considered, in a small way, to enhance the listed building setting.
- 7.9 The street scene is characterised by a mixture of building styles. The historic listed building to the south, more modern building of Kenton House to the north and traditional terraced properties opposite. Given the subservient nature of the proposals and the rural design approach being followed, it is considered that there is no harmful impact on the street scene.
- 7.10 With regard to amenity, the workshop use has clearly grown up associated with Kenton House. The workshop building wraps around and to the rear of Kenton House, the reception office being behind Kenton House. Clearly, the operation of the use must have had an amenity impact on the occupiers of the residential property – and they were probably one and the same. If a replacement – but more independent employment use were to be introduced, this would have the potential to have an amenity impact on the occupiers of Kenton House. This impact could be reduced by careful design, adaptation and use of the building.
- 7.11 With regard to visual amenity of the occupiers of Kenton House, the main element of the single storey existing workshop building extends 10m to the rear of Kenton House. The proposed building, now higher, also extends 10m to the rear. It maintains a side separation of 2m however, whereas the current buildings wrap around to the rear of Kenton House. It is considered that any impact the proposed building may have in an overbearing way or in relation to restriction of daylight/sunlight will be neutral.

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- 7.12 Two windows are proposed at first floor facing Kenton House. These are to bathrooms and therefore can be controlled to be obscure glazed. There is an adjacent first floor side window in Kenton House and the proposed windows will be viewable from there and the garden area most closely associated with the rear of Kenton House. It is considered that harmful impact can be minimised by the requirement for obscure glazing. Some perception of overlooking may remain.
- 7.13 To the south, the building will be located some 9m to the rear of Oak Cottage. The closest separation distance will be some 12m. Given that the current outlook to the rear of Oak Cottage will be the side and roof of the rudimentary workshop building, it is considered that the proposals will represent an improvement in outlook terms, albeit that the building will be higher.
- 7.14 The flank of the proposed building is to contain only one window, to the stairwell. This can be obscure glazed. Frontage windows however are to a bedroom and are likely to allow views to the rear of Oak Cottage. Despite intervening planting, these are likely to have an impact on privacy and amenity of the occupiers of that property. Some harm results.
- 7.15 The impact on sunlight and daylight is considered acceptable. This is received from the east and south of Oak Cottage to the rear. The proposed building is located to the north.

Other matters

- 7.16 With regards to matters of highway safety and parking, having regard to the comments from the Highways Officer and, taking into account the space within the site for parking (which enables two parking spaces for both Kenton House and the proposed property), Officers consider that the development proposal is acceptable in relation to these matters.
- 7.17 The application site does form a previous garage use and there is therefore potential for contamination. However, having regard to the comments from the Environmental Health Officer, it is considered that any risk associated with contamination could be dealt with through a planning condition.

8.0 Conclusion

- 8.1 The proposed development represents an inappropriate form of development in the Rural Area, as defined in the East Herts Local Plan Second Review April 2007. Insufficient evidence has been submitted to

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demonstrate whether the building can be retained in use for business and employment purposes contrary to policy EDE2 of the Local Plan and section 3 of the NPPF. The proposals are harmful in sustainability terms then and it is not considered this is outweighed by the potential sustainability impact a new employment use may have, or because a residential use has been permitted through a conversion.

- 8.2 With regard to design, setting and the impact on the listed building, it is considered that some positive weight can be assigned to the proposals. The current rudimentary structures would be replaced by a new building. With regard to amenity, weight must be both negative and positive. Negative because of the potential impact on the privacy of the occupiers to the south, and positive because the relationship between the building and Kenton House, and the amenity of the occupiers of Kenton House, has the potential to be improved.
- 8.3 All other matters are neutral. On balance, it is considered that the harm in sustainability terms is not outweighed by the modest addition to housing supply or by the improvement to the street scene.
- 8.4 Officers therefore recommend that planning permission is refused.