

**3/11/1387/FP- Extensions to brick built 1960's building and erection of new dwelling to rear with associated access and landscaping at Great Hormead Village Hall, Great Hormead, Buntingford, SG9 0NR for Hormead Village Hall Management Committee**

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**Date of Receipt:** 08.08.2011

**Type:** Full – Minor

**Parish:** HORMEAD

**Ward:** BRAUGHING

**RECOMMENDATION**

That subject to the applicants entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:-

1. The completion and occupation of the village hall prior to the occupation of the new dwelling
2. The provision of a financial contribution of £8000 to secure a Traffic Regulation Order

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Programme of Archaeological Work (2E02)
3. Levels (2E05)
4. Approved Plans (2E10) 302.01, 302.02, 302.03, 302.04C, 302.05, 302.06, 302.30, 302.31, 302.SK.04, 06309C-2D
5. Boundary Walls and Fences (2E09)
6. Samples of Materials (2E13)
7. Hard Surfacing (3V21)
8. Provision and retention of parking spaces (3V23)
9. Wheel Washing Facilities (3V25)
10. Landscape Design Proposals (4P12) i,j,k and l

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11. Construction hours of working- plant and machinery (6N07)
12. Prior to the occupation of the village hall hereby permitted the overspill car park will be made available to the users of the hall and laid out with appropriate signage in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved signage shall remain.

Reason: To ensure the development makes adequate provision for the off-site parking and maneuvering of vehicles and in the interests of highway safety.

13. The new vehicle access to the village hall shall be used for ingress only and the improved shared access shall be used for ingress and egress from the proposed dwelling but egress only from the village hall. Prior to the occupation of the development, suitable signs to indicate this which shall be first submitted to and agreed in writing by the Local Planning Authority shall be erected.

Reason: In the interests of highway safety and traffic movement.

#### 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 SD2, GBC3, OSV3, OSV8, ENV1, ENV2, ENV3, ENV4, BH2, BH3, BH6, TR7 and TR20. The balance of the considerations having regard to those policies and the LPA Ref 3/10/0033/FP 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.
- 1.2 The site is currently occupied by the existing village hall which is constructed in 3 sections, two brick built and one with corrugated iron. The corrugated iron section of the building is proposed to be demolished, whilst the brick built parts of the building would be retained and used in the construction of the proposed new village hall.
- 1.3 The existing village hall is single storey and provides an internal floor area of approximately 186sqm. The village hall is set back approximately 7 metres from the adjacent highway and is sited fronting south towards this

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highway, the B1038. The remainder of the application site forms hard standing that provides car parking for the existing hall.

- 1.4 This application seeks permission for an extension to the existing building to form a new village hall and the erection of a new dwelling with associated access and landscaping.
- 1.5 The proposed extended hall would be re-orientated to face west with the flank wall fronting the highway. The hall would extend a total length of 25 metres into the site and be within 2-2.5metres of the eastern site boundary with neighbouring residential properties within Half Acre Lane. The proposed extended hall is of a fragmented design with a front projecting gable end forming an entrance to the building. Due to varying land levels the eaves and ridge height of the building's roof would vary from 4 metres and 6.3 metres respectively at the southern flank of the building, falling to 2.4 metres and 5 metres respectively at the northern flank. The building is designed to be clad with black stained weatherboarding with a slate roof.
- 1.6 The proposed extended village hall would provide ground and first floor accommodation, with a total floor area of approximately 275sqm. 13 parking spaces and an additional 2 spaces for disabled motorists are proposed to serve the village hall. Ten further spaces are proposed on the land to the west of the hall, which is in front of the adjacent agricultural barn within the application site which will be used for overspill car parking.
- 1.7 The proposed dwelling would be sited to the rear and north of the site. The majority of the dwelling would be within 11 metres of the eastern boundary of the site with the adjacent residential properties and the rear projection would be 8 metres from this boundary. The dwelling would be 2 storeys reaching an eaves height of 4.4 metres at the southern flank and a ridge height of 7.4 metres and decreasing to an eaves height of 3.8 metre at the northern flank with a ridge height of 6.7 metres.
- 1.8 The dwelling is designed with single storey front projections and a single storey rear projection that would extend 3.7metres from the rear of the main house. It would have a hipped roof with the 1<sup>st</sup> floor windows sited within the eaves and would be weather boarded with a clay tiled roof. It would have an integral garage with additional space to the front of the garage to accommodate a minimum of 2 additional vehicles.
- 1.9 The proposed dwelling is intended to help finance the extensions to the village hall. The applicant states that in 2009 it was estimated that the cost of constructing the new hall would be approximately £300,000 and that it is estimated that the sale of the building plot at the rear with planning permission would contribute approximately £200,000 towards the project.

## 2.0 Site History

2.1 Members may recall that planning permission was refused (LPA Ref: 3/10/0033/FP) in August 2010 for extensions to the village hall and erection of a new dwelling for the following reasons:

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

2.2 A subsequent appeal against this decision was dismissed. However, the inspector concluded that *'the development would have a strictly limited effect on the character and appearance of the area and that subject to the implementation of the package of proposals for parking cars, there would be no significant effect on highway safety. However, a S106 agreement has not been made which sets down the legal commitment of the appellant to facilitate a TRO to control parking on the B1038 should this prove necessary. Without such agreement I am not satisfied that parking on the road would not prove hazardous and such an agreement cannot be required by condition.'*

2.3 This decision is a material consideration of significant weight when considering the current application. The inspectors report is attached at Appendix A.

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- 2.4 Conservation Area Consent for the partial demolition of the existing village hall was granted under delegated powers on the 8<sup>th</sup> March 2010 (LPA Ref: 3/10/0034/LC)

Planning permissions were granted in 2002 for a new village hall at the site (LPA Ref: 3/02/0448/FP) and in 1999 for extensions to the village hall (LPA Ref: 3/99/0588/FP). These were not implemented.

### **3.0 Consultation Responses**

- 3.1 Thames Water has commented that there are public sewers crossing the site and their permission is required for works taking place within 3 metres of a public sewer. They also advise that it is the responsibility of the developer to make proper provision for surface water drainage to ground, watercourses or a suitable sewer.
- 3.2 Environmental Health has recommended conditions to any permission granted that relate to noise, air quality and contaminated land.
- 3.3 The Historic Environment Unit has recommended a condition to require an archaeological recording of the existing building and an archaeological field evaluation to be carried out should permission be granted.
- 3.4 The Council's Conservation Officer continues to raise concerns regarding the design of the new hall and how it is perceived in the context of its function. This barn style approach removes the identity and/or perception of the Village Hall within the community and is considered to erode the historic evolution and character of the village and the wider impact it will have on the character and appearance of Great Horstead. In addition concerns are raised regarding the mass, scale and design of the new dwelling and that a more traditional approach to both elements of the scheme would go towards introducing and assisting with their connection to the immediate and wider character and appearance of the village.
- 3.5 County Highways advises that given the Planning Inspectors conclusions in relation to the previous scheme no objections are raised to the proposed development. This is subject to the provision of £8000 to be used in connection with the promotion and implementation of a Traffic Regulation Order to prevent unsafe parking on the public highway and the imposition of conditions regarding the provision of an adequate access for the new dwelling, parking, hardsurfacing, ingress and egress arrangements, gates and wheel washing.

3.6 The Council's Engineers have commented that part of the site is within flood zone 2 and therefore a site specific Flood Risk Assessment is required, however the Council has no records of historical flood incidents for this site or the surrounding area. The applicant should contact the engineering team to discuss the option of incorporating a Sustainable Drainage System, should permission be granted.

3.7 The Environment Agency comments that the only constraint on the site is flood risk. It is therefore necessary to apply the sequential test to the application and check that the appropriate flood risk assessment requirements have been met. It is confirmed that the applicant has considered access and egress in the event of a flood and the development itself is outside Flood Zone 3.

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

4.1 Hormead Parish Council raise the following objections:

- Inadequate parking;
- The restrictions placed on when the overspill parking can be used and the inability to ensure it remains in perpetuity;
- The size and particularly the height of the new hall is out of keeping.

#### **5.0 Other Representations**

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

5.2 13 letters of representation have been received in support of the application which can be summarised as follows:-

- The current building in is a poor state of repair ;
- The cost of repairing the current hall will cost more than replacing it;
- Previous plans to improve the facility have not been viable due to lack of funding;
- It is an essential part of the community;
- The replacement building will increase its usage;
- The proposed building is attractive;
- The amount of parking proposed will be sufficient.

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5.3 8 letters of representation have been received opposing the application which can be summarised as follows:-

- Insufficient and inappropriate parking;
- Unnecessary;
- Flood risk;
- Restricted Fire Access to neighbouring residential properties;
- Loss of rear access to Rose Cottage;
- Increase in noise and disturbance;
- Loss of privacy;
- New dwelling will not cover the entire cost of rebuilding the hall;
- No plan for future maintenance/ running of new hall.

## **6.0 Policy**

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

SD2	Settlement Hierarchy
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
OSV3	Category 3 Villages
OSV8	Village Shops, Community and Leisure Facilities
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime-New Development
ENV4	Access for Disabled People
ENV24	Noise Generating Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
BH6	New Developments in Conservation Areas
TR7	Car Parking-Standards
TR20	Development Generating Traffic on Rural Roads

## **7.0 Considerations**

7.1 The main issues for consideration are:

- The appropriateness of the development in the Green Belt;
- The size, siting and design of the new dwelling and village hall;
- The impact of the development on the amenity of nearby residential properties;
- The highway, parking and access implications;

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- 7.2 As outlined in Section 3.0 above, planning permission was refused in 2010 for an identical scheme on highway and parking grounds only. When considering the application it was established that the principle of development, the size, siting and design of the new dwelling and village hall and the impact they would have on neighbouring residential were acceptable. Since that time there has been no change in either national or Local Plan policy or the physical circumstances of the site and therefore I consider the proposed development in those respects remain acceptable. The planning inspector in the subsequent appeal raised no concerns regarding these matters.
- 7.3 Turning to the highway, parking and access implications, the planning inspector was satisfied that the amount of parking proposed and the arrangements with the neighbouring landowner were adequate and that the development would not unduly prejudice highway safety. He did not raise any concerns regarding the long-term availability of the overspill parking area and considered that the flexible approach to car parking provision where there would be occasional peaks in demand for car parking space was sensible. Furthermore he considered that the use of the adjacent land for overspill parking would not have a significant impact on the character and appearance of the area. In line with these and County Highways comments I do not consider that refusing the application on these grounds can be justified.
- 7.4 Notwithstanding the above comments both the Planning Inspector and County Highways have raised concerns that the development may result in vehicles parking on the B1038 which could prejudice highway safety. A sum of £8000 has been requested by County Highways to implement a Traffic Regulation Order to secure appropriate prohibition of parking on the adjoining highway which the Planning Inspector also considered to be reasonable. The applicant has now agreed to pay this contribution and has submitted a draft unilateral agreement accordingly. I consider that the contribution meets the test of Circular 5/2005 and adequately addresses this matter.
- 7.5 Finally in relation to the comments made by the Environment Agency, the Flood Risk Assessment requirements within the Environment Agency's current Flood Risk Standing Advice have not been met. PPS25: Development and Flood Risk was published on 25 March 2010, 5 months before the determination of the previous application. The physical circumstances of the site and the proposed development are unchanged and neither the Environment Agency nor the Planning Inspector raised concerns in relation to flood risk or required the sequential test to be applied. I therefore consider that it would be inappropriate to apply the sequential test in this case or refuse the application due to lack of



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information on this matter.

#### **8.0 Conclusion**

- 8.1 To conclude, having considered the above matters and recent appeal decision, it is my opinion that the proposed development is acceptable and special circumstances exist to warrant a departure from Local Plan policy. The size, siting and design of the proposed buildings are acceptable, sufficient parking and access arrangements are proposed and there would not be an unacceptable impact to neighbours amenities. It is therefore recommended that subject the provision of S106 Agreement, planning permission be granted subject to the conditions outlined at the start of this report.