

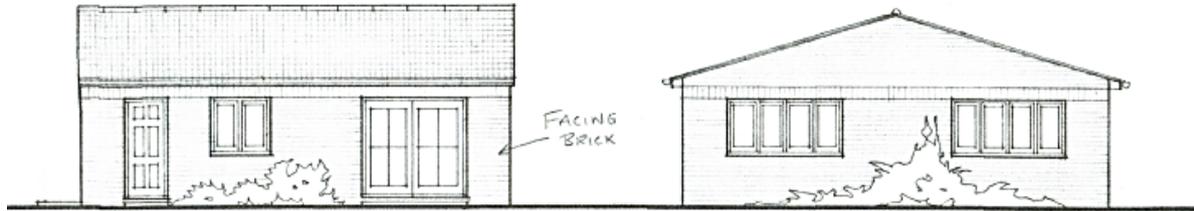
ITEM 5.09

4/00513/15/FUL - CONVERSION OF BUILDING FROM B1(C) TO A RESIDENTIAL DWELLING (C3) WITH REPLACEMENT WINDOW WITH A NEW DOOR (NORTHWEST ELEVATION)

LOWER FARM END, LUTON ROAD, MARKYATE, ST. ALBANS, AL3 8PZ

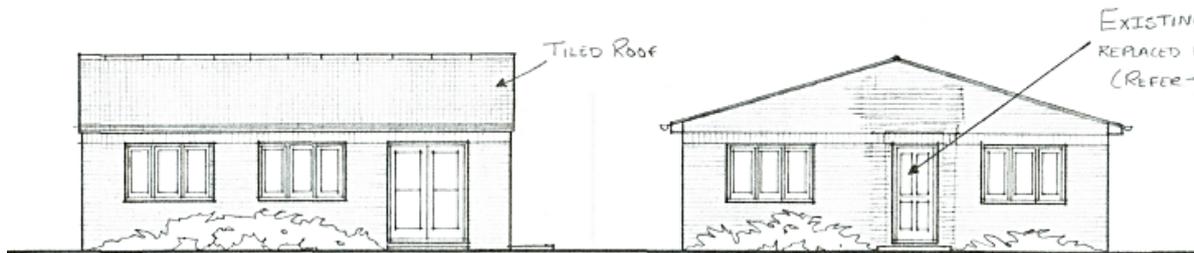


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S·W ELEVATION

S·E ELEVATION

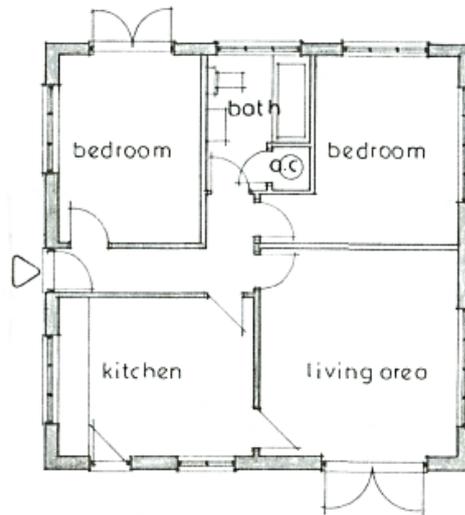


N·E ELEVATION
 SCALE: 1:100

N·W ELEVATION



EXISTING FLOOR PLAN



PROPOSED FLOOR PLAN

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APPLICANT: Mr Wright

[Case Officer - Philip Stanley]

Summary

The application is recommended for approval.

The proposed conversion would see the appropriate re-use of a currently vacant building. It is considered to be acceptable development in principle in the Green Belt and, taking into account the very minimal external alterations proposed, would have no impact on the visual amenity or openness of the Green Belt. It is also considered that the proposed conversion to a residential bungalow would result in fewer vehicular movements than that under its current permission and as such would cause no harm to the capacity or safety of the surrounding highway network. Finally the proposed conversion would not injure the residential amenities of surrounding dwellings.

For these reasons it is considered that this application complies with Policies CS5 and CS12 of the Dacorum Borough Core Strategy (September 2014), as well as saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The application site comprises a modest single storey red brick building set between Luton Road and open farmland, located in the Green Belt. Vehicular access to the site used to be gained from a track linking Luton Road with agricultural land to the south-east. However, a 2 metre high close-boarded fence has been erected on the applicant's side of this track and this blocks off this former access. Now access to the site is gained off Luton Road along the north-east boundary of the site.

To the left of the building are some fruit trees, while there are a small number of these trees to the rear. The frontage has been laid to shingle for parking. There are residential properties on the other side of this tree-lined road. The trees along the north-eastern boundary are subject to tree preservation orders.

Proposal

It is proposed to convert the existing building from B1(c) to a residential dwelling (C3).

Internally the conversion would see the office space (with ancillary kitchen and W.C.) replaced by two bedrooms, living area, kitchen, bathroom and hallway. As such the proposal would see the creation of a two-bed bungalow.

Externally, it is proposed to replace the central window on the north-west elevation with a new door (into the new hallway).

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Markyate Parish Council.

Planning History

4/00948/88: Use of land for growing trees etc, erection of single storey building (office, tool shed, garage) and provision of parking area for use by landscape gardening contractor - **Granted**, but not implemented.

4/01004/94: Erection of single storey building (office, tool shed and garage) - **Granted** 29/09/94 with conditions attaching both the land and the building for agricultural purposes or for purposes incidental to the agricultural use of the land.

4/01894/97/RES: Submission of materials pursuant to planning permission 4/1004/94 - **Granted** 23/07/98.

4/00100/08/LDE: Use of building as an office - **Refused** 05/11/09. The application was refused because the Council was not satisfied, on the evidence provided and available, that the building shown within the red outline of the 1:2500 Ordnance Survey Plan had been used as an office for a continuous period of 10 years. The development was not lawful, and planning permission was therefore required.

4/00503/11/FUL: Hard surfacing of existing access with recessed gates. 2m high close boarded fence along boundary with luton road and private access – **Granted** 08/06/11.

4/00241/12/FUL: Change of use of barn from agricultural use to B1 light industrial use - **Granted** 07/06/12.

4/02875/14/OPA: Change of use of office (Use Class B1(A)) to residential - single dwelling unit (Use Class C3) - **Refused** 03/12/14. This application was refused because the existing building has a lawful use within Class B1 (c) of the use Class Order and this is restricted by planning permission 4/00241/12/FUL, condition 2 to remain within B1(c). The existing use is therefore not within Class B1 (a) and as such the conversion of the building using permitted development rules was not possible and a formal planning permission was therefore required.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS8 - Sustainable Transport
CS12 - Quality of Site Design
CS17 - New Housing
CS25 - Landscape Character
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 58, 99 and 110
Appendix 5

Supplementary Planning Guidance / Documents

Landscape Character Assessment (May 2004)
Planning Obligations (April 2011)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Markyate Parish Council

Object for the following reasons:

1. Change of use.
2. Traffic Congestion, access, traffic, parking and road safety.

Hertfordshire Highways

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission for this application, which is for the conversion of the B1 Light Industrial building to C3 residential use.

In broad terms C3 use will not generate as many two trips as a similar size building being used for B1 office use although the peak time movements to and from the site may change the net movements are likely to be less.

This application will continue to see the existing access and there are no plans to modify or change this arrangement.

Hertfordshire County Councils five year rolling personal injury statistics has been checked and there are no recorded details of injury accidents at this location.

On balance the highway authority considers that the proposed change of use will not

have a detrimental impact on the adjacent highway in terms of capacity, congestion, safety or amenity.

Trees and Woodlands

There are some trees on this site, but they will not be adversely affected by the proposed development.

Public Rights of Way Officer

Site abuts Public Footpath Markyate

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

The Lodge, Luton Road

The B4540 is not suitable for further residential development at this site. There are only 4 street lights in approx.0.5 mile from the A5 junction to the Caddington Common turn so the site concerned is in darkness. Accordingly access is very dangerous for egress. Views to the right and left on the decontrolled are difficult and there is no pedestrian footpath on that side of the road so, particularly during busy periods, pedestrians take their life in their hands in crossing the road to the footpath on the other side. I can assure you that the traffic moves very fast, often exceeding 60mph as the site is on the slope downhill to the A5. In addition, the B544o is a convenient connecting connecting road between M1 J9 and M1 J10. When traffic is heavy on the M1, and certainly when there has been an accident on the motorway, the B4540 is very heavily used indeed. Furthermore, normal commuter traffic builds up in the morning and evening rush hours to the extent that a queue can build-up past Lower End Farm and my property and the traffic can be stationary sometimes from the A5 junction past Caddington Common turn and approaching the County boundary some 1 mile from the A5 traffic lights.

Lower Farm, Luton Road

We wish to object against this planning application.

We have a number of concerns in this regard having read through the application documents and given our experience as close neighbours to this property with the actions taken by Mr Wright in relation to Lower Farm End since he took ownership.

1) the conversion of this small building from B1(C) to residential, a small 1-bedroom bungalow, will in no way solve any housing shortage issues there may be in the local area or proactively drive and support sustainable economic development or deliver houses the country needs. Markyate currently has such a development with over 70 houses being built close to the village centre on a brown field site.

2) this area of green belt has been adversely affected by the construction of this building in the green belt. The planning consent given in 1994 was on the basis that the building and surrounding land should only be used for agricultural purposes. This 1994 consent was found in the 2012 planning consent (4/00241/12/FUL) to have

been an error on the part of the planning office, effectively saying the planning consent in 1994 should not have been given but as the building had been constructed it could be put to use under B1(C).

3) there has already been a significant and demonstrable negative impact on the area from this building and from the actions, both permitted and those outside of the planning consents, and change of use to residential will not lead to an enhancement of the immediate area. Quite the contrary, the owner has actually to date made every effort to act in a way detrimental to the area, 2 metre high close board fencing which despite a previous planning application stating quite clearly it would be 5 metres away from Luton Road and would not be visible from Luton Road clearly is all year round, HGVs and ground work equipment and vehicles have been and are stored on the site, including large diggers, road rollers and dump trucks. We have had a 20 foot shipping container on site for months until an enforcement order was issued to have it removed and for the last 6 months we have lived with a static caravan on site. If the Planning Office consent to this latest application for change of use to residential how will they protect the immediate area from further negative impact, ensure the current issues are dealt with and the owner actually follows the applicable conditions because to date they have failed to do so?

- vehicles allowed to be parked on site
- residential exterior lighting scheme
- size and scale of garden
- removal of any permitted development

4) Mr Wright is clearly not interested in enhancing or maintaining the vitality of this rural community. He has removed several trees from the site and has spoken openly about the fact in his words he 'could make it very difficult' for the local residents should they get in the way of his plans for the property, which appear to change on a very frequent basis.

5) We were interested to read about the need to avoid new isolated homes in the countryside unless this is a re-use of a redundant or disused building. The 2012 planning application and consent on this property shows to us the owner and the Planning Office recognised the building as an office under B1(C). Mr Wright apparently was able to rent it out as such for over a year as documented in a recent application for a change from B1(A) to residential providing evidence to the satisfaction of the Planning Office that it was indeed used as an office. As such we do not see how this building can now be seen as a redundant or disused building. Even if it were to be viewed differently now by the Planning Office our own experience in relation to planning consent on such buildings would suggest a need for a substantial reduction in the size of the building and for it not to be used at all for residential purposes.

6) the site has 24 / 7 access rights to the local farmer to permit movement of heavy machinery to attend to the crops in the adjoining 30 and 80 acre fields. Such access rights and the movement of farm machinery across this property are not conducive to the safety of residents of this property, especially children.

Considerations

Policy and Principle

The site is located within the Green Belt, wherein Policy CS5 permits small-scale development such as the appropriate reuse of permanent, substantial buildings, provided that firstly, it has no significant impact on the character and appearance of the countryside; and secondly, it supports the rural economy and maintenance of the wider countryside.

This view conforms to paragraph 90 of the NPPF, which states that the re-use of buildings (provided that the buildings are of permanent and substantial construction) is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

Other policies of greatest relevance are CS1 (which expects the rural character of the Borough to be conserved); CS12 (which relates to the quality of the proposals and seeks to avoid harm to neighbouring properties); CS29 (relating to sustainable construction); DBLP 58 (which expects adequate parking provision to be provided on site) and DBLP 99 (where encouragement will be given to the preservation of trees, hedgerows and woodlands throughout the Borough).

Impact on Green Belt

The principle of re-using this Green Belt building is acceptable because it is of a permanent and substantial construction. In other words this building is here to stay. Should this application be refused then it is likely that the building would remain vacant but would have the same impact on the openness and visual amenity as the proposed conversion to a residential dwelling.

It is considered that the re-use of this building for residential purposes would not have a significant impact on the character and appearance of the countryside. Indeed it has the potential to improve the appearance of the area compared to a commercial use of the building.

A neighbouring property has recommended the removal of permitted development rights. According to the Planning Practice Guidance, "*Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances*". However, in this case the residential re-use of the existing building is only acceptable provided it preserves the openness of the Green Belt (para.90 of the NPPF). Under permitted development rights the future owner of the dwelling would be able to construct both extensions and outbuildings that would reduce the openness of the Green Belt, thereby negating the reason why this conversion is acceptable in principle. As such it is recommended that Class A, B and E permitted development rights are removed should this application be granted.

According to Policy CS5 this application should also only be supported if it supports the rural economy and maintenance of the wider countryside. In this case the application would see the loss of a commercial unit. However, it is noted that this

building has been vacant for several months with no likelihood of it being re-occupied due to site security concerns and a weak demand for office space in the Luton/Markyate/Dunstable area. Therefore, it is considered that bringing this building back into beneficial use would have greater benefits for the local economy, especially bearing in mind the proximity of the site to the village centre of Markyate.

Re-use of building

Markyate Parish Council have stated their objections to the proposal on the grounds of change of use. However, the Parish Council has not specified the actual harm that this change of use would cause.

As stated above the principle of re-using this Green Belt building is acceptable because it is of a permanent and substantial construction and because it would have no impact on the openness of the area or the character of the countryside. In addition the applicant has provided additional justification for the change of use by explaining through a Surveyors Report the problems of re-letting the premises. This report makes several key points:

- The premises is not in an established / sought after commercial location.
- The building requires substantial modernisation before any commercial operator would consider occupying it.
- The Luton/Dunstable office market (which encompasses Markyate) remains very depressed with very little in the way of new office development, and much more the other way (office to residential conversions).

As such this report concludes that letting the premises will be difficult. It is considered that the applicant has attempted to seek a commercial re-use of the building, however, it is now acknowledged that a residential conversion would be the most appropriate way to secure a beneficial re-use of the building.

Effects on appearance of building

The proposed external alterations are very minor. The proposed change from a window to a door on the north-west elevation would have no impact on the original building's appearance.

Impact on Street Scene / Landscape

Due to the very minimal external changes, and the fact that the site is very well screened by existing perimeter vegetation, the proposed conversion would have no adverse impact on the character or appearance of the surrounding area.

Impact on Trees and Landscaping

As this is a conversion there would be no harm to the trees within the site, in particular the protected specimens along the site's north-west boundary. The Council's Trees & Woodlands Officer has raised no objections to the proposals.

Impact on Highway Safety

Both Markyate Parish Council and a local resident have raised an objection to this application on the grounds that the proposed conversion would have a negative impact on traffic congestion and road safety. They highlight the nature of the B4540 (Luton Road) in terms of the speed vehicles travel along this stretch, the absence of a pavement on one side and the build up of traffic at peak times from the A5 traffic lights.

However, it is considered that a refusal to this application on the grounds of adverse highway impact could not be sustained. Firstly, it must be noted that the problems outlined above are caused by existing road users. Certainly the traffic generated by one additional two-bedroom house would have a negligible impact on overall usage levels of the surrounding road network.

Secondly, it must be remembered that the site has an extant permission as a commercial unit. Should this building be occupied by a commercial operator then the total number of vehicle movements would be higher than for a two-bed bungalow. In that sense this application represents an improvement over the existing situation.

Finally, it is noted that Hertfordshire Highways have no recorded details of injury accidents at this location and that they raise no objections to this proposal.

Impact on Neighbours

It is considered that there would be no adverse impact on neighbouring properties. As the built form is to remain the same (other than one fenestration change) then the proposals could not be considered overbearing on these neighbours, nor result in any loss of daylight, sunlight or privacy. Furthermore, the existing separation distances and the trees between the properties would also ensure that no harm is caused.

Sustainability

This application would involve minimal changes to the external appearance of the building. However, it would likely result in a modernisation of the internal qualities of the building. The applicant has provided a CS29 checklist and it is recommended that a condition be added seeking compliance with this checklist.

Other Material Planning Considerations

Extent of residential curtilage / Removal of permitted development rights

The applicant's Planning Statement states that, "*part of the site would be used for domestic garden land*". However, the extent of the residential curtilage was not defined on the plans originally submitted. Therefore, an amended plan was sought and received which shows a more tightly defined garden area, excluding the tree belt on the north-west boundary (approximately one-third of the overall land) from the garden area / curtilage.

Other Enforcement matters

A local resident has commented on other breaches of planning control at the site, namely:

- close board fencing incorrectly sited;
- HGVs and ground work equipment and vehicles have been and are stored on the site, including large diggers, road rollers and dump trucks;
- a 20 foot shipping container on site for months;
- for the last 6 months a static caravan on site.

Overall, it is considered that these are matters that will be resolved through the conversion of the commercial building to a dwelling, together with appropriate conditions. For example, it is recommended that a condition be added restricting the area on which vehicles can park and limiting this parking to vehicles associated with the residential use of the building. In addition the siting of the caravan has been a result of security concerns following two thefts at the site. Once the building is occupied as a residential dwelling the caravan will be moved off the site.

It is also considered that these are enforcement matters that can be dealt separately to this planning application. The shipping container has already been moved from the site as a result of planning enforcement action and any future use of the site for commercial storage can be subject to an enforcement investigation and the appropriate action taken.

Farmer's access

A local resident has objected to this application on the grounds that the site is crossed by a farmer's access to the adjacent field and that this is not conducive for a residential environment, especially for children.

In response to this the Planning Department is waiting for confirmation from the applicant as to the exact position of the farmer's right of access across the site. However, from aerial photographs it appears that this runs in front of the building and therefore it would be possible to erect low level fencing protecting the side and rear of the site from this access. Furthermore, it is noted that this is a two-bed bungalow and is therefore not of a typical size for a family dwelling.

Conclusions

The proposed conversion of the building from B1(c) use to a residential two-bed bungalow would bring the building back into beneficial use without harming the aims and objectives of national and local Green Belt policies. Furthermore, it would not cause any harm to the surrounding highway network, trees within the site, or the residential amenities of neighbouring properties.

RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes A, B and E.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the openness and visual amenity of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy (September 2013).

- 3 **The development hereby permitted shall be carried out in accordance with the submitted CS29 Checklist and the additional sustainability information submitted in point 2 of the e-mail from the Agent dated 15/05/15.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy CS29 of the Dacorum Borough Core Strategy (September 2013).

- 4 **No development shall take place until full details of the following means of enclosure have been submitted to and approved in writing by the local planning authority:**

- means of enclosure, separating the garden area from the tree belt along the north-west boundary;
- means of enclosure, separating the side and rear garden areas from the area in front of the building.

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS5 of the Dacorum Borough Core Strategy (September 2013).

- 5 **No development shall take place until full details of the car parking layout and other vehicle and pedestrian access and circulation areas**

have been submitted to and approved in writing by the Local Planning Authority.

No vehicles shall be parked in any area other than the approved designated parking area. The designated parking area shall only be used for the parking of vehicles ancillary to the approved residential use of the site.

The approved parking layout and circulation works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory provision of off-street parking for the new dwelling in accordance with Policy 58 of the Dacorum Borough Local Plan (1991-2011).

- 6 The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Site Location Plan
DWG 3 (15/05/2015)
55.14.1**

Reason: For the avoidance of doubt and in the interests of proper planning.

ARTICLE 31 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.