

**4/01064/16/FUL - NEW BUILDING TO ENCLOSE EXISTING BUILDING. EXISTING BUILDING TO REMAIN WITHIN THE NEW STRUCTURE..  
WAGON AND HORSES, LONDON ROAD, FLAMSTEAD, ST. ALBANS, AL3 8HG.  
APPLICANT: Mr Shayler.**

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[Case Officer - Jason Seed]

## **Summary**

The application proposes the erection of a new building to enclose an existing commercial building which is situated on London Road, Flamstead. The current facility houses a private dance club. It is considered that whilst the proposed structure would amount to inappropriate development within the Green Belt, very special circumstances exist to justify the proposal which will result in the enhancement of an existing business to the benefit of the rural economy. As such, the development is considered to comply with the relevant planning policy environment and is therefore recommended for approval.

## **Site Description**

The application site is situated to the immediate north of the A5 just under 1km from Junction 9 of the M1 and approximately 450m north east of the village of Flamstead. The application site comprises an existing a two storey detached building with single storey elements. The structure is timber clad with brick extensions and a concrete tile roof. It is currently served by an in - out vehicular access / egress with a grassed area and high wall separating the two. The majority of the western part of the site is laid to hardstanding providing parking for 40 cars, although manoeuvring in and out of some of the spaces is considered to be difficult.

The site is subject to the following relevant planning designations: Green Belt, CIL2.

## **Proposal**

The application seeks full planning permission for the enclosure of the existing building with the existing building remaining within the new structure. A number of additional alterations are proposed at the site as detailed within the relevant sections of this report.

## **Referral to Committee**

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

## **Relevant Planning History**

None

## **Considerations**

### Policy and Principle of the Development

Whilst the site is situated within Flamstead, it is outside of the defined Small Village boundary. As such, Core Strategy Policy CS5 provides the relevant local planning policy context for the proposed development.

Policy CS5 states that within the Green Belt, small-scale development will be permitted which includes the following:

(a) building for the uses defined as appropriate in national policy;

- (b) the replacement of existing buildings for the same use;
- (c) limited extensions to existing buildings;
- (d) the appropriate reuse of permanent, substantial buildings; and
- (e) the redevelopment of previously developed sites.

Provided that:

- i. it has no significant impact on the character and appearance of the countryside; and
- ii. it supports the rural economy and maintenance of the wider countryside.

Paragraph 89 of the National Planning Policy Framework (NPPF) states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, exceptions to this include:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, and;
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

It is therefore considered necessary to test the proposal against the above Green Belt principles to assess the acceptability of the principle of the development.

#### Green Belt Assessment

With regards to the proposed car parking arrangements, it is considered that whilst the slight spread of the parking to the east of the site will occur, the number of vehicles that can park at the site will not increase, the positioning of the spaces to the rear of the proposed structure will minimise their impact. As such, this element of the proposal is considered to be an acceptable engineering operation.

It is noted that the proposal is of unorthodox construction. The applicant's agent has stated within the submitted 'Initial Construction Method Statement' that the proposal is to retain the existing structure but remove the first floor. A structural steel portal frame will be placed over the remaining structures with horizontal tie beams that run from the rear. It is stated that this would therefore allow for the operations of the facility to remain unaffected by the new works. It is therefore necessary to consider whether these works are considered extensions to an existing building, or a new building altogether.

As the proposal plans illustrate, with the exception of doors and partition walls, there are no construction works proposed to extend from any of the existing external walls. The proposed steel framed structure will essentially envelope the existing structure and could, had the existing structure not been retained, stand as an independent building of substantial construction and would not therefore be considered as an 'extension or alteration of' a building. It is therefore considered that the proposal is for a new building within the Green Belt and not an extension to an existing building, and the appropriateness of the development should be assessed against the relevant criteria.

As stated within the previous section of this report, building for the uses defined as appropriate in national policy are permitted within the Green Belt. The proposed development does not fall within any of the uses defined as appropriate. Furthermore, the building is not a replacement building as a large proportion of the existing building will remain in situ.

Both local and national policy permits the redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. However, it is quite clear from the proposal plans and the nature of the proposal that the proposed building would have a greater impact on the openness of the Green Belt than the existing structure and as such, does not meet the criteria required to be considered an acceptable redevelopment of a previously developed site. This opinion is supported by the figures below:

### **Height**

Ridge Height Increase above Existing: 0.52m

### **Floor Area**

Existing Floor Areas (external): Combined Total 290m<sup>2</sup>

Proposed Floor Areas (external): Combined Total 408m<sup>2</sup>

Percentage Increase: 40.69%

### **Footprint and Volume**

Due to the nature of the proposal, both the footprint and the volume of the proposal are greater than the existing building.

Based upon the above assessments, it is considered that the proposal does not constitute any of the appropriate forms of development in the Green Belt as defined by local and national planning policy.

### **Very Special Circumstances**

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 continues by stating that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Within the submitted Planning Statement, the applicant states that the following benefits would arise from the proposal:

- The proposal would result in benefits to highways safety. Currently the in-out access arrangement can lead to confusion and the proposal seeks to improve this by creating one clear access / egress point;
- The improvements to parking arrangements. The proposals revise the existing parking arrangements to ensure that the proposed 39 spaces would benefit from adequate turning. The benefits of the internal arrangements would result in improvements for highways safety and use of the main access;
- Some of the new internal floorspace is to enclose ancillary business facilities which would otherwise be stored outside and have an impact on the openness of the Green Belt such as the bin storage area;
- The proposal would result in a considerable visual enhancement. The existing structure is comprised of various single storey and two storey elements, some of which are timber clad. The alteration of these to provide a better constructed, more sustainable building, constructed with slate roof and brickwork walls which would result in a visual enhancement to the area;
- The removal of a number of existing features as part of the proposals would result in a

benefit to the openness of the Green Belt. This includes the removal of the existing smoking shelter and the removal of walls, and;

- The proposed alterations would enhance the existing business which would lead to resultant benefits for the rural economy.

As the proposal plans illustrate, the new facility will provide a new entrance / reception area, a security office which is to be located close to the facility entrance, an increase in lobby areas and enhanced staff facilities. The proposal will also result in an aesthetic enhancement of the site. It is considered that these measures will revitalise the appearance of the facility whilst providing a more attractive and secure internal environment for its users. It is not unreasonable to conclude that the proposed improvements will provide an opportunity to improve the business as a whole which would contribute towards local economic development within a rural area.

It is considered that all of the above points weigh in favour of the proposed development.

As such, it is considered that, on balance, the proposal benefits from sufficient very special circumstances to justify a recommendation for approval in this instance.

#### Effects on Appearance of Building and the Street Scene

Due to the nature of the proposal and the lack of historic designation on the subject site, the impacts on the appearance of the existing building are not considered to be relevant to this assessment. However, it is considered necessary to assess how the proposal impacts upon the street scene.

The existing building (and site overall) is considered to be of limited aesthetic merit and does not make a notable contribution to the street scene.

In terms of its scale, the proposed structure will not be out of keeping with the large commercial structures which are positioned to the immediate east of the proposal site. The use of suitable materials (facing brick for the walls, dark grey concrete roof tiles, white upvc windows and timber doors) will provide a visual enhancement of the site as will the well-positioned doors and windows as evident within each of the proposed elevations, all of which are visible from public vantage points, including Old Watling Street to the north.

It is therefore considered that the proposal would result in an overall visual enhancement of the site when viewed from surrounding public vantage points and as such, is considered to comply with Policy CS12 of the Core Strategy.

#### Impact on Surrounding Properties and Occupiers

The application site is situated in excess of 100m from the closest residential properties (positioned to the north-west). These properties are separated from the site by dense and verdant vegetative cover. Taking these matters into consideration, it is considered that no adverse impact upon residential properties will result.

Furthermore, the proposal will not result in any adverse impact upon any commercial properties or their occupiers.

As such, the proposal does not conflict with the requirements of Policy CS12 of the Core Strategy.

#### Consultation Comments

Several objections have been received in response to the application as provided within the

Summary of Repts and bulleted below:

- Vegetation clearance;
- Unusual nature of the construction;
- Out of keeping;
- Local people not employed within the facility;
- Music coming from the facility impacting upon residential amenity;
- HGV parking off-site;
- Size of the development;
- Increased fire risk around the building;
- Employees are transient and the owner has no involvement in the local community.

Of those matters not addressed elsewhere within this report, the following responses are provided:

The site does not benefit from any restrictive designations in respect of trees, hedgerows etc., so vegetation clearance falls outside of planning control.

It is agreed that the construction method is unorthodox - the building has been designed to enable the walls that are to be retained to be usable and to minimise the need for excessive internal construction. The height of the proposal is dictated by the steel supporting beam which joins the roof planes of the new structure internally.

The applicant has submitted an Initial Construction Method Statement which states as follows:

- The proposal is to retain the existing structure but remove the first floor;
- The existing structure will be enclosed by the new external enveloping structure, this would therefore allow for the operations of the facility to remain unaffected by the new works;
- It is proposed to erect a structural steel portal frame over the existing, with horizontal tie beams that run from front to rear.
- The portal frame stanchions will be supported from new pad foundations, with concrete encased steel beams spanning between the stanchions in order to raise the new curtain walling, and;
- The walls to be exposed brick externally and block internally.
- The roof is to be pitched, with a slate covering.

Whilst it is considered that matters of construction are principally the concern of the Building Control department, Policy CS29 of the Core Strategy states that new development will comply with the highest standards of sustainable design and construction possible. At present, it is not considered that the applicant has demonstrated compliance with this policy due to the uncertainties surrounding the final ceiling / roof connectivity, void maintenance practices and other matters. As such, it is considered appropriate to condition a Detailed Construction Method Statement to ensure that the proposal complies with Policy CS29. The applicant is further advised to consider any relevant Health and Safety considerations associated with the construction phase of the development, particularly as they are considering keeping the business open during construction as it is the view of this Officer that, whilst not a planning issue, this is likely to be a highly challenging matter to address and should be given early consideration.

With regards to noise nuisance is considered to be materially increased as a result of the proposal given the existing and proposed separation distances involved with the proposal. Notwithstanding the provisions of Policy CS12 of the Core Strategy, such noise matters typically fall within the remit of the Licencing / Environmental Health departments.

No evidence has been provided to substantiate the comments in respect of displaced HGV parking and it is considered that limited weight can be applied to such matters. This is also a consideration for the relevant Highway Authority to police, should such a situation arise.

The point in respect of increased fire risk is acknowledged and it is considered that this matter will need to be fully considered through the Building Control regime to ensure that such matters do not present an unacceptable fire risk. It is also considered that the aforementioned condition requiring submission of a Detailed Construction Method Statement will enable closer scrutiny of this issue.

In response to the alleged lack of community involvement by the owner, this is not a materially planning consideration. Similarly, whilst the provision of jobs for local workers is encouraged, the alleged transient nature of workers, if this were the case, would not be a material planning consideration. The general economic thrust contained within national and local policies does not restrict economic development or the provision of employment opportunities in this manner.

### Highways and Parking

Schedule 4 (i) of the Development Management Procedure Order (2015) requires consultation with Highways England (HE) in relation to development which consists of or includes the construction, formation or layout of access to or from a trunk road.

HE within their response raised no objection to the proposal. As the relevant section of the A5 is to be de-trunked with a proposed take-over date by Hertfordshire Highways of April 27th/28th, Hertfordshire County Council highways Department have also been consulted and have raised no objection.

### Community Infrastructure Levy

In accordance with the Dacorum Borough Council's 'Community Infrastructure Levy Charging Schedule', the proposal is not identified as being of a development type which is CIL liable. As such, no charge rate applies to the proposal.

### **Summary and Conclusion**

It is considered that the proposed development would result in the construction of a building which is not considered to be an appropriate form of development within the Green Belt. However, very special circumstances are considered to be in evidence which justify a departure from Green Belt policy in this instance as the proposal will result in a range of enhancements including the improvement of an existing rural business which will benefit the local economy.

The proposal will also result in a visual enhancement at the site in comparison with the existing structures and will not result in any detrimental impact upon highway safety or surrounding occupier amenity. As such, the proposal is considered to comply with the National Planning Policy Framework, Policies NP1, CS5, CS8, CS12, CS14 and CS29 Saved Policies 51, 58, 63, and Appendix 5 of the Dacorum Borough Local Plan and is recommended for conditional approval.

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

**Application Form  
Location Plan  
311.002/200C  
311.002/210F  
311.002/230E**

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

- 3 **Prior to commencement of development, a Detailed Construction Method Statement (DCMS) shall be submitted to and approved by the Local Planning Authority. Following approval, the measures contained within the DCMS will be implemented in their entirety for the lifetime of the development.**

Reason: The details submitted with the proposal are insufficient to provide adequately to confirm that the proposal meets with the high quality built environment requirements of the National Planning Policy Framework and the sustainable construction requirements of Policy CS29 of the Core Strategy. As the required details are fundamental to the success of the proposal, in this instance it is considered necessary for the condition to be pre-commencement.

### **ARTICLE 35 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 2015.