

Item No. 11

APPLICATION NUMBER	CB/15/02438/FULL
LOCATION	The Limes, 85 High Street, Henlow, SG16 6AB
PROPOSAL	Retrospective planning permission for a porta cabin for office use.
PARISH	Henlow
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Amy Lack
DATE REGISTERED	05 August 2015
EXPIRY DATE	30 September 2015
APPLICANT	Mr K Wilkinson
AGENT	Mr Paul Buckthorpe
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Richard Wenham
	Considered contrary to policy and to result in a loss of amenity by proposing an ugly portacabin which is clearly visible from the High Street and totally out of keeping with the conservation area. The building has been illegally installed for a considerable period and should have been removed after building work had taken place. It is a scar on Henlow's Conservation Area. In addition to the above while the applicant claims the cabin is needed to support the business, office functions should be carried out inside the main building.
RECOMMENDED DECISION	Full Application - It is recommended a temporary permission of 2 years be granted.

Reasons for Recommendation

It is recommended that the application be approved for a temporary period of two years.

It is acknowledged that the structure, by virtue of the semi-permanent materials used for its construction and failure to represent a planned solution to the accommodation provision at the application site thereby fails to respond in an entirely successful manner to the host building nor can it be said to enhance the character and appearance of the surrounding Conservation Area as a designated heritage asset. However, a modest single storey in height it is a clearly subvient element to the host building and finish in a mute colour and positioned hard to the common boundary its impact is lessened. If granted only a temporary planning permission of two years it is considered its visual impact will be negated by allowing the operator of the site a reasonable period of time to take a planned approach to providing acceptable accommodation for an ancillary office use to support this local business.

Site Location:

The application site comprises a large Victorian building, located on the west side of the High Street. The building has a tarmaced frontage which makes provision for on site car parking and the benefit of two junctions with the highway, operating an 'in-and-out' arrangement. The principle building has been extensively extended to the side and rear to provide additional accommodation.

The temporary structure, which is the subject of this application, is located between the north flank of the main building and the common boundary with Lime Walk a terrace row of residential development to the north.

The site, within the defined settlement envelope, is also located within the Henlow Conservation Area in a primarily residential part of Henlow High Street.

The Application:

The application seeks retrospective planning permission for a portacabin which is used as ancillary office space to the principle care home use.

The existing structure measures 4.9 metres in length and 2.9 metres in width. With a flat roof it rises to an overall height of approximately 2.8 metres.

The structure is finished in a light green colour with the benefit of a window to each side elevation (east and west) and door to the front (south) elevation.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies (November 2009)

CS1	Development Strategy
CS14	High Quality Development
CS15	Heritage
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM13	Heritage in Development

Emerging Development Strategy for Central Bedfordshire 2014

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council

lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

The adopted Core Strategy and Development Management Policies (2009) shall remain to set the main planning context for decisions on planning applications in the north of the Central Bedfordshire jurisdiction. Notwithstanding this, the policies of the emerging Development Strategy relevant to this proposal are considered to be:

Policy 1: Presumption in Favour of Sustainable Development

Policy 38: Within and Beyond Settlement Boundaries

Policy 43: High Quality Development

Policy 45: The Historic Environment

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

There is no planning history considered directly relevant to the determination of this application.

Consultees:

Henlow Parish Council Object to the proposal.

- Unacceptable visual impact of this ugly portacabin in the Conservation Area;
- There is no justifiable business need to retain this building;
- It exists on site without planning permission having been granted and should be removed;
- Inadequate parking - this unlawful building is sited where parking spaces should be provided.

Conservation No objection to a temporary permission only.

The rectangular box structure is only acceptable as a short-term temporary building. Its appearance and position, though recessed behind the frontage line of the main building, is unsightly and damaging to the setting of the undesignated heritage asset (the principal Victorian building) and this part of the conservation area.

As it has already been in position for some time it is suggested to either remove now or in near future with just a short-term period for retention to organise a proper extension to the rear of the building.

Other Representations:

Neighbours

Third party representations have been received from the owners/occupiers of the following addresses:

- Brook House, 77 High Street

The representations can be summarised as follows:

- The ongoing retainment of a temporary portacabin in a conservation area, is unsightly and out of keeping with the surrounding area.

The above is a summary of the representations received. Full copies of the representations can be viewed on the application file.

Determining Issues:

1. Character, context, design of external spaces and impact upon the surrounding conservation area
2. Residential amenity of nearby occupiers
3. Third party representations

Considerations

1. Character, context, design of external spaces and impact upon the surrounding conservation area

- 1.1 The application site is located within Henlow's designated Conservation Area and in the 2009 appraisal No.85 High Street is identified as a 'positive' building. The subject portacabin is positioned between the north flank of the host building and the common boundary with Lime Walk to the north. The boundary is demarcated by a high brick wall which adjacent to the portacabin is almost wholly disguised by mature shrubbery growth and ivy. This foliage has begun to grow around the portacabin and in so doing has served to lessen the visual impact of the structure from the views of it from High Street. However, by virtue of its position immediately west of the northernmost access into the site uninterrupted views of the structure are possible from the highway.
- 1.2 The Parish Council have objected to the proposal, primarily with respect to its visual impact. It is acknowledged that the structure, by virtue of the semi-permanent materials used for its construction and failure to represent a planned solution to the accommodation provision at the application site thereby fails to respond successfully to the host building. Further to this it cannot be said that it enhances the character and appearance of the surrounding Conservation Area as a designated heritage asset. However, the Conservation Officer has advised that the structure is acceptable if a short-term temporary building. Accordingly, if granted only a temporary planning permission of two years it is considered its visual impact will be negated by allowing the operator of the site a reasonable period of time in which to take a planned approach to providing accommodation

for an ancillary office use to support this local business and if executed in a considered and appropriate manner this should be in the form of an extension to the existing host building.

- 1.3 Subject to the imposition of a condition which approves this development on a temporary arrangement, two years is considered reasonable, the visual impact of the structure upon the primary building on the site and the surrounding Conservation Area for this short-term period considered acceptable.

2. Residential amenity of nearby occupiers

- 2.1 The single storey height of the structure, positioned hard to a high common boundary and at a reasonable distance from any nearby residential properties, the closest being those of Lime Walk to the north, ensures that the building has no material impact upon the residential amenity of nearby occupiers according with policy DM3 of the Core Strategy and Development Management Policies (2009).

3. Third party representations

- 3.1 The location of the portacabin is not considered to have any significant impact upon the parking provision afforded within the site which could warrant a reason for refusing this application. Given that residents of the care home are unlikely to be in ownership of a car, the site is considered to benefit from adequate parking provision for staff and visitors, with any highway safety impact lessened by the benefit of an 'in and out' system afforded by the two junctions with the highway.
- 3.2 As rehearsed above the portacabin, given its temporary appearance and in turn undesirable visual impact, is not considered an acceptable long-term solution to providing ancillary office accommodation on the site. The Parish Council's objection with respect to no 'justifiable business need' having been put forward with the application submission is acknowledged and accordingly the applicant has advised that the intention is to seek a permanent arrangement for the provision of office accommodation. Accordingly, they raise no objection to the imposition of a condition allowing for only a temporary permission for up to a period of two years.
- 3.3 It is acknowledged that the structure has been sited unlawfully. The local planning authority have acted proactively to address this by inviting a planning application. This has allowed for the opportunity to regularise the development and seek to agree a temporary period for its retention, which is recommended in supporting a local business with the aim of achieving acceptable permanent accommodation for their office requirements. The applicant has been advised that should Development Management Committee Members be mindful to approve the application any further applications to extend the period for which the building may remain in situ are unlikely to receive the support of the Council.

Recommendation:

That temporary Planning Permission be approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The permission hereby granted shall be limited to a temporary period of 2 years commencing from the date of this permission after which date the temporary structure shall be removed. The area on which the temporary structure was located shall then be reinstated to its former condition within a period of two months of the date of removal.

Reason: In the interests of visual amenity because the building is constructed of short lived materials only which are prone to deterioration and fail to respond successfully to the character of the surrounding conservation area. Policies DM3 and DM13 of the Core Strategy and Development Management Policies (2009).

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 101; 102/A; and 103.

Reason: To identify the approved plan/s and to avoid doubt.

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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 to secure a sustainable form of development 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) Order 2015.

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RECOMMENDED CONDITIONS / REASONS

- 1 The permission hereby granted shall be limited to a temporary period of 2 years commencing from the date of this permission after which date the temporary structure shall be removed. The area on which the temporary structure was located shall then be reinstated to its former condition within a period of two months of the date of removal.

Reason: In the interests of visual amenity because the building is constructed of short lived materials only which are prone to deterioration and fail to respond successfully to the character of the surrounding conservation area. Policies DM3 and DM13 of the Core Strategy and Development Management Policies (2009).

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 101; 102/A; and 103.

Reason: To identify the approved plan/s and to avoid doubt.

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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 to secure a sustainable form of development 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) Order 2015.

DECISION

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