

3/08/1362/FP – New detached dwelling as 'enabling development' for refurbishment and repair of Bengo Hall and Cottage at Bengo Hall, St. Leonards Road, Hertford, SG14 3JN.

Date of Receipt: 29.07.08

Type: Full

Parish: HERTFORD

Ward: HERTFORD - BENGEO

RECOMMENDATION

That subject to the applicant signing a unilateral undertaking pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:

- To repair and refurbish Bengo Hall, the Cottage, and Walled Garden and undertake landscape maintenance work, as set out in the schedule of works approved under application 3/08/0509/LB, prior to the occupation of the new dwelling.

planning permission be **GRANTED** subject to the following conditions:-

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Levels (2E05)
4. Boundary walls & fences (2E07)
5. Samples of materials (2E12)
6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995 (as amended), no enlargement or alteration of the new dwelling hereby permitted or the erection of outbuildings, as set out in Schedule 2, Part 1, Classes A, B, C or E of the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

7. Withdrawal of P.D. (Part 2 Class A) (2E21)

3/08/1362/FP

8. New Doors and Windows - unlisted buildings (2E34)
9. Before the access is brought into use an area of land across the whole of the site frontage measuring at least 2.4m from and parallel to the nearside edge of the adjacent road carriageway shall be provided and thereafter be kept free of all obstruction to visibility over a height of 1.05m above the adjoining carriageway.

Reason: To provide adequate visibility and to make the access safe and convenient for road users.

10. Wheel washing facilities (3V25)
11. Tree retention and protection (4P05)
12. Hedge retention and protection (4P06)
13. Tree Protection: Earthworks (4P10)
14. Landscape design proposals (4P12)
15. Landscape works implementation (4P13)
16. Landscape maintenance (4P17)
17. Prior to the commencement of development, details of the construction of the driveway, including levels drawings, gradient of the driveway, and details of retaining walls, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall minimise the depth of excavation for the access road and shall be in accordance with the relevant British Standards, and the roadway shall be constructed in accordance with the approved drawing.

Reason: To ensure the protection of trees to be retained, and in particular to avoid unnecessary damage to their root systems, in accordance with policy ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

18. Listed building (new brickwork) (8L06 – policy BH12, not BH10)
19. Listed building (new rainwater goods) (8L09 – policy BH12, not BH10)
20. Prior to the commencement of development, a drawing identifying the residential curtilage of the new dwelling edged in red shall be submitted and approved in writing by the Local Planning Authority.

3/08/1362/FP

Reason: To minimise impact on the setting of the listed building in accordance with policy BH12 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL)
2. Street Numbering (19SN)
3. The developer is advised that the design of the building could be improved by regularising the three doors to the rear elevation, and redefining the flank elevations as their design is presently awkward. Further advice can be sought from John Neale at English Heritage on 01223 582719.

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 East Herts Local Plan Second Review April 2007), and in particular policies SD2, GBC1, TR2, TR7, ENV1, ENV2, ENV9, ENV10, ENV11, BH1, BH2 and BH3, BH12, BH17 and IMP1. The balance of the considerations having regard to those policies and other material considerations relevant in this case 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 and comprises the Grade II* Bengo Hall and adjacent Grade II listed Cottage and Walled Gardens; a large country house set in extensive grounds. The buildings have fallen into a poor condition and have been vacant for several years.
- 1.2 Given the condition of the building, the applicant sets out that refurbishment is not financially viable. This application therefore proposes to construct a new detached 4 bed dwelling with double garage within the grounds as enabling development to finance the scheme. Access would be provided via a new access from Ware Park Road.
- 1.3 The proposed new dwelling would be sited to the northeast of Bengo Hall, adjacent to The Stables, and comprises a two storey structure of a long narrow design with hipped roofs and a single storey detached hipped roof double garage to the north. The dwelling has been designed to take the appearance of a row of cottages.

3/08/1362/FP

- 1.4 The drawings now under consideration have evolved from lengthy discussions with Officers and English Heritage; hence the delay in determining this application. The design, layout and access of the proposal have changed considerably since the original submission.
- 1.5 The site for the new dwelling lies just outside the built-up area of Hertford, and therefore within the Green Belt. The proposal therefore constitutes inappropriate development, is contrary to the adopted Local Plan, and is referred to Committee for a decision.

2.0 Site History

- 2.1 Listed building consent, under reference 3/08/0509/LB, was granted back in June 2008 for works to the Hall and Cottage in order to bring them back into a habitable condition. This was accompanied by a planning application for a new detached dwelling as enabling development to finance the project (application 3/08/0508/FP). However, this was withdrawn following Officer concerns over the scale and design of the new dwelling.
- 2.2 Permission has also recently been granted for a new detached garage for Bengo Hall under reference 3/08/1361/FP.
- 2.3 Permission was granted in 1997 (3/97/0167/FP), for a conversion of the stables to residential use, and the construction of a new detached dwelling on the corner of New Road and Ware Park Road. Further applications followed to renew this permission in 2002, and consent was also granted at this time for a refurbishment of Bengo Hall (3/02/1992/FP and 3/02/1993/LB). However, it was not required at the time that any profit from the sale of these two dwellings be used to preserve Bengo Hall. It is also important to note that the siting of these two dwellings was within the built-up area of Hertford and therefore acceptable in principle, so did not constitute Enabling Development.
- 2.4 It is understood that the refurbishment of Bengo Hall was then abandoned due to the financial situation of the then owner, and the site was repossessed. Significant damage had been caused to the listed building by then, and since this time the building has remained vacant and progressively deteriorated in condition subject to neglect, vandalism and theft. The site was acquired by Wilson Properties in 2007, and the developer has begun works to repair and refurbish the Hall and Cottage, and an on-site security presence has deterred vandals.

3.0 Consultation Responses

- 3.1 English Heritage have revised their response following consultation on amended plans. They advise that the form of the proposed development has been improved, but the appropriateness of allowing the construction of a new house to be built as enabling development for the repair of Bengo Hall remains questionable.
- 3.2 There would be harm to the setting of the listed building, but its significance would be markedly less than would have been the case under the previous proposal. What is now proposed would be less damaging as it is proposed to be built adjacent to the lane where it would be less obtrusive, and the house would be of a simple design whose character would conform to that of the classical vernacular of the 18th century. To avoid detrimental fragmentation of the management of the grounds a management plan would need to be agreed under a S106 agreement and to remove permitted development rights from both properties.
- 3.3 English Heritage question the validity of the figures suggested by the applicants as the market value should have been discounted to reflect the costs of repair. English Heritage is the only source of significant grant aid for privately owned buildings, and they would not offer grants to the purchaser of a building unless its purchase price had reflected the extent and repair required, and there remained a Conservation deficit after this. Nor are there sufficient funds to meet all demands for grant aid.
- 3.4 Overall English Heritage would hope to see Bengo Hall repaired and refurbished without development in its grounds; however it is for the Council to take a balanced view and to consider general questions of planning policy in the circumstances in this case. English Heritage do not consider that the proposed scheme meets the seven tests set out in the enabling development policy. Against these conclusions must be set the degree to which the building's future is in jeopardy.
- 3.5 The Environment Agency have no further comment to their previous letter dated 21st April 2008. This set out that they have no objection to the proposed development as the FRA has shown that the location for the proposed dwelling has a low probability of flooding. The house is proposed to be located on ground which is over 4 metres higher than the 1 in 1000 year modelled flood level. The applicant is advised that surface water run-off should be controlled through a sustainable drainage approach (SUDS).
- 3.6 The Council's Conservation Officer recommends consent subject to conditions. He advises that this is a vast improvement compared with previous attempts. The layout and design follows the suggestions made at

meetings with Officers. He does not consider that prolonging the negotiations any further would improve on what is now being proposed. The drawings are accompanied by an excellent detailed Design and Access statement accompanied by a detailed breakdown of the costs of refurbishing the main building and a justification for enabling development.

- 3.7 The County Archaeologist states that the site lies within Area of Archaeological Significance No. 171. Bengo Hall is possibly the manorial site of Bengo, and the Hall, documented as 'the old manor house' may be sited on or close to the site of earlier manorial buildings. The present Hall dates from the late 17th century, and as a Grade II* listed structure, is of exceptional national architectural and historical importance. The adjacent, detached Bengo Hall Cottage dates from the 18th century and is listed Grade II. There are former stables and coach house which no longer form part of the property. The County Archaeologist believes that the position of the proposed development is such that it should be regarded as likely to have an impact on significant archaeological remains. A condition for a programme of archaeological work is therefore recommended.
- 3.8 Herts Biological Records Centre have no objection to the siting of the new detached house. However, they take the view that repair works to the Hall and Cottage must not start until a bat survey has been carried out by a licensed bat consultant and that if bats are found to be present, works must not start until an appropriate mitigation strategy and license has been applied for and obtained from Natural England.
- 3.9 Hertford Civic Society note that the new design has been developed in consultation with English Heritage and the Council, but in their view the outcome is disappointing, looking more like a row of cottages. They believe that a more imposing appearance, but in a muted style, would be acceptable in that position. Even if an acceptable design can be agreed, the matter of whether to permit enabling development to take precedence over Green Belt policies remains. Securing the guaranteed restoration of Bengo Hall must be the priority in arriving at any decision in the application. An inflexible approach to the application of policies could lead to an indefinite delay in completing the restoration of the Hall. It would be of help if an independent assessment were to be made of the costings submitted in justification of the application.
- 3.10 County Highways do not wish to restrict the grant of permission subject to conditions. The revised access position has been agreed in principle through pre-application discussions. At present the frontage of the site is overgrown therefore a condition is recommended to remove/reduce the height of the greenery to ensure appropriate visibility is achievable.

3/08/1362/FP

- 3.11 The Council's Landscape Officer raises no objection subject to conditions. The new access road may require the removal of one or more of the elderly protected hollies on the top of the bank to form the access. The excavation required will cut through the bank to access the site which is some 2-3 metres higher than the public highway. The remaining holly trees will need to be protected by a retaining wall on both sides of the entrance so that there are minimal changes in ground levels. Trees on site will need to be protected in accordance with the British Standard BH5837:2005.
- 3.12 With regards to landscaping, he advises that this is a very sensitive site providing the setting of an important Listed Building and a fully specified scheme and plan will be required for the whole site and access road. There should be replacement tree planting on site to replace the two mature trees on site that were removed without consent, and the holly trees that need to be removed to create the access drive.

4.0 Town Council Representations

- 4.1 Hertford Town Council has concerns regarding whether this development qualifies for enabling development. It recognises the importance of Bengo Hall as an historic building and the costs involved to renovate it; however the Committee questions whether or not the Planning Authority has used all its powers to prevent the need for enabling development.
- 4.2 The Town Council considers the amended design to be larger than the previous design and is considered excessive. This design is not in keeping with other properties in the area, including those on the Ware Park Estate. The proposed building will have a detrimental effect on the environment of neighbours, the future development of Bengo Hall, and the Green Belt status which is of considerable importance in this location.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 23 no. letters have been received from the following addresses: Bengo Old House, Revells Hall, 1, 4 & 10 Watermill Lane, Oakmead, 1, 2, 4, 5, 24, 31, 32 & 66 Rib Vale, 71 & 73 New Road, The Old Stables, 5 Talbot Street, 41 St. Leonard's Road, 11 St. Leonard's Close, and 3 further emails raising the following points:
- Does not meet English Heritage policies or local plan policies for Green Belt, Green Finger and Conservation Area;
 - It is also an Area of Archaeological Significance;
 - The dwelling will compromise the historic setting of the listed building;

3/08/1362/FP

- There is no conservation deficit in this case;
- The price paid by the developer included a speculative value for the hope of a housing development;
- The developer bought the property at auction with full knowledge of its condition;
- Flooding on the lower end of Ware Park Road recently cut off access to Ware Park;
- Disappointment at the change in position of English Heritage;
- The proposal will fragment the property;
- The possibility of selling the property in its current state on the open market should be explored before considering enabling development;
- The public benefits are minimal as the Hall would remain privately owned;
- The new dwelling would considerably alter the visual aspect towards the Hall from the adjacent road and the bottom of Ware Park Road.
- The design and positioning of this house should not be allowed to compromise Green Belt policy;
- The new dwelling would compete with both Bengoe Hall and the Old Stables;
- Material harm to the surrounding landscape;
- Access for construction vehicles would be difficult and disturbing;
- Access to the property has very limited visibility;
- Removal of mature trees to form the access would affect the rural character of the area;
- Loss of privacy for residents in Watermill Lane and Rib Vale;
- The boundary limits of the new property are unclear;
- The design of the house is old-fashioned, need a greener option;
- Some sort of bond will be required to ensure Bengoe Hall is restored adequately;
- Concern that this may set a precedent for more new dwellings;
- Would choose to preserve the Green Belt instead of the building;
- Conversion to flats is a far more environmentally friendly way of living;

6.0 Policy

6.1 The main policy considerations relevant to these applications are East Herts Local Plan Second Review April 2007 policies:

SD2	Settlement Hierarchy
GBC1	Appropriate Development in the Green Belt
TR2	Access to New Developments
TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping

ENV9	Withdrawal of Domestic Permitted Development Rights
ENV10	Planting New Trees
ENV11	Protection of Existing Hedgerows and Trees
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
BH12	Development Affecting the Setting of a Listed Building
BH17	Enabling Development
IMP1	Planning Conditions and Obligations

6.2 Government Guidance is also provided in the following documents:

PPS1	Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning

6.3 Consideration is also given to the English Heritage Document '*Enabling Development and the Conservation of Significant Places*' (published in September 2008).

7.0 Considerations

Principle of Development

7.1 The site lies just outside the built-up area of Hertford, and therefore within the Green Belt. The application is proposed as enabling development whereby the profits from the sale of the new dwelling will enable the refurbishment and repair of Bengoe Hall and the Cottage. Enabling development occurs in situations where the future of a historic structure would be preserved, but the proposal is contrary to other national or local planning policies. As the construction of a new dwelling in the Green Belt constitutes inappropriate development, very special circumstances must therefore be demonstrated

7.2 The main issues in this case therefore relate to the principle of allowing enabling development, impact on the setting of the listed building, impact on trees and the wider rural landscape and Green Belt, neighbouring amenity, access and parking issues, and archaeology.

Enabling Development

7.3 Policy BH17 sets out the criteria which should be met in order to comply as enabling development. This follows English Heritage guidance set out in its recent document *Enabling Development and the Conservation of Significant Places*. This document was published in September 2008 and supersedes

the earlier 2001 document. It was therefore published following the receipt of this application; however the general principles remain similar to the earlier edition.

- 7.4 The criteria are as follows and shall be discussed in more detail below:-
- 7.4.1 The development should not materially detract from the heritage values of the place or its setting;
 - 7.4.2 It should be demonstrated that all other potential options have been fully evaluated;
 - 7.4.3 The proposal should avoid detrimental fragmentation of the management of the place;
 - 7.4.4 The enabling development should secure the long term future of the place and its continued use for a sympathetic purpose;
 - 7.4.5 It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place;
 - 7.4.6 The public benefit of the resulting development should clearly outweigh the disbenefits of providing the enabling development.

Setting of the Listed Building

- 7.5 The setting of Bengo Hall would have originally included all the land now partly occupied by Oak Mead and The Old Stables, which have previously been sub-divided. The construction of a further dwelling adjacent to Ware Park Road, this time forward of the Hall, will therefore impact on the setting of the Grade II* listed Bengo Hall. The extent of the grounds would be further eroded, and the new dwelling would be visible forward of the Hall when viewed from the end of Ware Park Road. English Heritage have also raised concerns over the impact of this development on the setting of the listed building. However, this impact must be balanced against the benefits of refurbishing the listed building. English Heritage advises that this is finely balanced, and must be given thorough consideration.
- 7.6 In terms of siting, the proposed layout is considered to be the most appropriate for a new dwelling within the grounds. This makes use of slightly lower land levels, an existing dense screen of mature yew hedging and enhanced vegetation screening would provide a natural break between the new dwelling and the land retained by Bengo Hall.

- 7.7 In terms of the historical importance of the site, there is no evidence of this particular piece of land being used as any particular historic function. The land has relatively recently been flat cut perhaps to provide for some form of sporting activity, like a tennis court. There may be some archaeological structures in this location; however the County Archaeologist is satisfied that the proposal would be acceptable subject to a programme of archaeological work.
- 7.8 The scale, design and orientation of the dwelling has been amended following lengthy negotiations with English Heritage. The new dwelling as now proposed is designed so as to minimise its impact on the setting of the listed building. The main views of Bengoe Hall are from the bottom of Ware Park Road where the design of the new dwelling with hipped roofs and a single storey garage element is considered to appear unobtrusive. In order to minimise any further impact on the setting of the listed building it would be necessary to remove permitted development rights for the new dwelling for extensions, roof alterations, outbuildings and new fences or walls.
- 7.9 Overall, therefore, I consider that there will be some impact on the setting of the listed building, but this impact has been considerably reduced since the original submission. This must also be balanced against the benefits of restoring the listed building, which will be discussed further below.

Consideration of Other Options

- 7.10 Consideration has been given to alternative sitings for a new dwelling so as not to encroach into the Green Belt. It is also important to consider the possible impact of additional dwellings within the grounds of Bengoe Hall as much of the site to the southwest lies outside the Green Belt and therefore the construction of new dwellings to the rear of the Hall would be appropriate in principle.
- 7.11 It would not be appropriate to grant permission for enabling development if the developer could then profit from a further development. However, development within the walled garden would not be looked upon favourably as Officers consider this would be likely to have an unacceptable impact on the setting of the listed building. The developer has also discounted the possibility of development elsewhere on site.
- 7.12 In terms of other financial options, Officers are not aware of any other financial assistance for the repair works. Securing and repairing the exterior of the Grade II* listed building may have been eligible for English Heritage funding; however the developer moved quickly at his own expense to secure the external fabric of the building. Further, English Heritage advise that there are insufficient funds to meet all requests for grant aid.

Fragmentation of the Management of the Site

- 7.13 Any proposal for enabling development should avoid detrimental fragmentation of management of the heritage asset. This application proposes to allocate a section of land to form the curtilage of the new dwelling, although no specific curtilage has been defined on the plans. It would be necessary to agree the exact curtilage by way of condition in order to ensure this does not unacceptably encroach into the setting and historic grounds of Bengo Hall.
- 7.14 The rest of the land and listed buildings themselves will remain under the ownership of Bengo Hall and will be repaired and landscaped accordingly. This is suggested to be controlled by way of a unilateral undertaking. It is my Officer view that the separation of this piece of land from ownership of the listed building would not be so detrimental for the management of the site. Further, the separation will be achieved by natural screening in order to minimise impact on the setting of the Hall.

Securing a Long Term Future

- 7.15 The provision of this new dwelling as enabling development will provide the funds necessary to repair and refurbish Bengo Hall, Cottage and Walled Garden, all of which are currently in a poor state of repair. It is a considerable benefit that the Hall is proposed to remain as a single dwelling, as this is the use for which the building was originally designed and constructed.
- 7.16 The developer has given consideration to the option of sub-dividing the Hall into flats; however it is considered that this would potentially result in greater harm to the listed building than a new-build in the grounds. In order to secure the long term future of the building, a unilateral undertaking will need to be signed to require that the repairs and refurbishment of the listed buildings take place in accordance with the schedule of works agreed under the listed consent (3/08/0509/LB) and the relevant conditions, prior to the occupation of the new dwelling. This is in accordance with Circular 05/2005 'Planning Obligations'.

Amount of Enabling Development Required

- 7.17 A detailed financial assessment accompanies the application setting out the costs involved in bringing the listed building back into good condition. In financial terms, the case for enabling development usually rests on there being a 'conservation deficit'. This is where the existing value of the property (often taken as zero) plus the development costs exceeds the value of the place after development. In this case it is acknowledged that there is no

3/08/1362/FP

conservation deficit if the value of the property is taken as zero. However, full consideration is given to the financial appraisal submitted.

- 7.18 The appraisal sets out that the historic asset repair works are expected to total £678,900, and a detailed breakdown of these works has been submitted. An independent consultant has been commissioned - Michael Savage DipSurv MRICS of Bidwells to assess these figures. He sets out that some of the estimates are considered to be insufficient, including re-roofing of the Hall and Cottage, cost of chimney pots, external wall repairs, and damp proofing. He also notes that no allowance has been made for hard or soft landscaping, which would again increase the costs. He therefore concludes that the final cost of works to the Hall and Cottage would be 10-15% higher than that identified. On the basis of a 10% increase in costs, this would place the total cost of works in the region of £750,000.
- 7.19 The applicant purchased the Hall and Cottage for a total of £1.99m and expects to sell for £2.5m. Having spent £750,000 on refurbishment, there would be a shortfall of approximately £240,000. Adding in an approximately 15% profit allowance for the developer (English Heritage advises that it is reasonable to allow for 15-20%), the shortfall would increase to approximately £615,000.
- 7.20 The developer has set out a full financial appraisal which includes all associated repair and development costs, and this identifies that even with the new build valued at £900,000, a deficit of approximately £322,245.00 is expected. Since these figures were compiled, it is important to note that there has been a considerable slump in the property market which would further reduce the re-sale value of both the Hall itself and the new build. Further, since amendments have been made to the scale and design of the new dwelling, no revised valuation costs have been received, although it is noted that the total floorspace of the new dwelling has only marginally decreased. The change in market conditions would therefore increase the deficit, and as such, Officers consider that there is a financial case to allow for enabling development on this site.
- 7.21 Given that the developer is not expecting to make a profit, it could be argued that the amount of enabling development is insufficient to secure the future of the heritage asset; however Officers do not consider that any further dwellings could be accommodated on site. Previous pre-application proposals for 2 no. dwellings were not looked upon favourably by Officers. Regardless of any possible deficit, the developer is still willing to sign a unilateral undertaking to carry out repairs and refurbishment of the listed buildings, prior to occupation of the new dwelling.

- 7.22 Concerns have been raised that the developer paid 'over the odds' for the property initially, and that enabling development should not be used to reimburse a high purchase price. The purchase price initially paid for the heritage asset must be a fair price in order to justify the need for enabling development. In this case the site was purchased for a total price of £1.99m - £1.5m for the Hall and £0.49m for the Cottage.
- 7.23 Confirmation has since been received from Churchills that the £1.5m price for the Hall was considered to be fair, and in fact a higher offer of £1.71m had been received. It is also noted that the property was auctioned by a bank following re-possession from the previous owner. The intention would therefore most likely have been to sell on quickly rather than make a significant profit. Officers therefore consider that at the time the property was purchased, at the peak of the property market, the purchase price could be considered reasonable.

Public Benefits

- 7.24 Finally, in looking at enabling development it is important that the the public benefit of the survival of the heritage asset outweighs the long-term costs to the community of providing the enabling development. The costs in this case relate to the construction of a new dwelling in the Green Belt with a new access onto Ware Park Road; whereas the benefits arise from bringing a Grade II* listed building with strong local historic connections back into a good condition. English Heritage advise that this is a finely balanced judgement.
- 7.25 Overall, Officers acknowledge that there will be some harm to the setting of this Grade II* listed building, and its adjacent Grade II listed Cottage and Walled Garden. It is also unfortunate that the building had deteriorated to such a poor state without earlier intervention; however, given the realistic lack of alternative options in this case, I consider that Bengeo Hall is unlikely to be fully restored in the near future by any other means. This therefore weighs heavily in favour of the application, and it is my Officer view that the public benefit of restoring this nationally important site outweighs the harm caused by the loss of part of its setting and the construction of a new dwelling in the Green Belt.

Siting and Layout

- 7.26 It is proposed to site the new dwelling to the north of the Hall, adjacent to the existing cluster of development of Oakmeads, (a new build dwelling on the corner of New Road and Ware Park Road), and The Old Stables. The design and layout of the proposed dwelling have evolved following lengthy discussions with Officers and English Heritage. The proposed dwelling has been re-orientated such that its principal elevation will face Ware Park

Road, with a private rear garden backing onto land retained for Bengoe Hall. The re-orientation of the building, and incorporation of a longer, narrower design with a single storey hipped roof garage, serves to minimise its impact on the setting of Bengoe Hall when viewed up from Ware Park Road. This is the principal view of the front elevation of the Hall which should be preserved.

- 7.27 The garden of the new dwelling will be naturally screened by the existing yew hedge and enhanced vegetation to define the residential curtilage, details of which will be required by way of condition. Overall, the siting and layout of the proposed dwelling are therefore considered to be acceptable and in-keeping with the grain of development in the immediate area. Further, given the scale of the dwelling and natural screening, its impact on the openness of the Green Belt is considered to be minimised.

Scale and Design

- 7.28 Following discussions with English Heritage, the design of the new dwelling has taken the form of a row of cottages; a classical vernacular 18th century design. It is the Officer's view that this building will appear simple and unobtrusive and will therefore not compete with the main historic building. The proposed dwelling will have a hipped roof and a detached double garage with hipped roof to the north. This ensures that this important northeast elevation appears fragmented and acceptable in scale.
- 7.29 The bulk of the building when viewed from Ware Park Road to the north will be minimised by existing mature tree screening. Although a few trees will have to be removed to enable the new access to be created, it is the Officer's view that the dwelling will sit comfortably in its surroundings.
- 7.30 English Heritage have made a couple of final suggestions on the design of the building by way of regularising the three doors to the rear elevation, and redefining the flank elevations as they currently appear awkward. This current design is not considered to be poor so as to refuse the application, and as such it is not considered reasonable to require these changes by way of condition; however a Directive is suggested to inform the developer.

Access & Parking

- 7.31 Access is proposed to be provided directly adjacent to the dwelling onto Ware Park Road. It was originally proposed to extend the driveway further northeast and utilise an existing farm style gate. However, Officers and English Heritage were concerned over the impact that this form of access would have on the wider setting of the listed building. The position of the access has therefore been amended in discussions with Highways and the Council's tree officer.

- 7.32 Highways advise that the position of this access is acceptable subject to conditions to ensure adequate visibility and surfacing materials. Officers consider that adequate visibility can be achieved without requiring undue loss of trees and bushes along this boundary. The Council's Landscape Officer notes that a couple of trees will have to be removed; this is discussed in more detail below.
- 7.33 In terms of parking, a double garage is proposed adjacent to the dwelling with ample frontage parking. Parking provision is therefore in accordance with the Council's adopted Parking Standards.

Neighbouring Amenity

- 7.34 Given the distance of this proposed dwelling to The Stable and the reduction in land levels, it is not considered that this proposal will result in undue harm to its immediate neighbour by way of overbearing, overlooking or loss of light. Further, the new dwelling will be appropriately sited in relation to existing dwellings in Watermill Lane and Rib Vale, at a minimum distance of 30m with mature vegetation screening in between. The proposal will therefore result in no harm to residential amenity.

8.0 Conclusion

- 8.1 This application presents a complex set of issues, and requires a balance of impacts against benefits. Officers acknowledge that the proposal does not meet all the criteria of enabling development; there will be some impact on the setting of the listed building and fragmentation of the site. It is also unfortunate that the condition of the building had not been acted upon earlier.
- 8.2 However, securing the restoration of this Grade II* listed building must be given significant weight, and its restoration is unlikely to proceed by any other means in the near future. Therefore it is my Officer view that priority should be given to the preservation of the listed building and that the construction of this new dwelling along with a signed agreement from the developer to undertake the works to an agreed standard, is the best way forward. In accordance with English Heritage guidance, I consider the benefits of securing the early repair of Bengo Hall clearly outweigh the disbenefits of the enabling development.
- 8.3 The application is therefore recommended for approval subject to the conditions set out above, and the signing of a unilateral undertaking to repair the listed buildings.