

3/09/0419/FP – Demolition of existing chicken farm buildings and associated agricultural bungalow and construction of four detached houses together with a terrace of three affordable dwellings at Two Acres, Barkway Road, Anstey, SG9 0BN for Mr M Hart

Date of Receipt: 19.03.09

Type: Full

Parish: ANSTEY

Ward: BRAUGHING

RECOMMENDATION

That planning permission be **REFUSED** for the following reason:-

1. The application site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The Local Planning Authority is not satisfied that the benefits of the proposed scheme are adequate justification for the provision of new, largely free market, house building in this unsustainable rural location. The development would thereby be contrary to the aims and objectives of policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The application site occupies a parcel of land of some 1.084 hectares to the north-west of the village of Anstey adjacent to Barkway Road, and is shown on the attached OS extract.
- 1.2 The application site is divided into two parts, east and west. The smaller eastern part of the site accommodates an agricultural workers bungalow fronting Barkway Road. The bungalow is accessed by two separate vehicular accesses, one at the front and the other a short distance along Barkway Road. The larger, western, part of the site currently accommodates four large disused chicken rearing sheds. The 4 poultry sheds sit in parallel, approximately 5 metres apart. The shed buildings are of timber construction sitting on a low block wall, each with a feed hopper and measuring some 60 metres in length and 10.85 metres wide, amounting to a total of some 672 sq metres in floor area. The buildings are around 4.7m in height and have been cut into the surrounding landscape with bunding to reduce their visual presence. The western part of the site is served by a separate vehicular access onto Barkway Road.

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- 1.3 Planning permission is sought for the demolition of all existing structures on the site and the erection of 4no. detached open market houses in the western part of the site, and a terrace of 3 no. affordable dwellings in the eastern part of the site.
- 1.4 The application site is within the Anstey Conservation Area and is shown on the proposals maps as being within the Rural Area Beyond the Green Belt. The land is also subject to designation as an Area of Archaeological Significance.
- 1.5 Members may recall that planning permission was refused by the Development Control Committee for the erection of 4 open market dwellings and 2 affordable dwellings on this site in February 2009 (ref. 3/08/1666/FP). The report presented to Committee in relation to this application is attached as Appendix A to this report. From the debate at Committee in relation to the previous application, it was evident that some Members were concerned that the proposed development did not provide for 40% affordable housing. The applicant, through this amended application, has sought to overcome the concerns expressed in relation to this matter, and now proposes 3 affordable dwellings to meet the 40% affordable housing provision.

2.0 Site History

- 2.1 The application site has been in use as a chicken rearing facility since at least January 1963 when planning permission was granted for 6 poultry houses for Watton Poultry Co. Ltd (3/62/2126). Planning permission has been granted for an agricultural workers dwelling (3/70/0467 & 3/70/1593), a caravan (3/70/0468), a rest room and toilet (3/79/0231), feed storage bins (3/76/0043), and a temporary caravan (3/80/1084), all for The Buxted Chicken Co. Ltd.
- 2.2 As mentioned earlier in this report, planning permission was refused in February 2009 for the erection of 4 open market dwellings and 2 affordable dwellings (ref. 3/08/1666/FP). This application was refused for the following reason:

The application site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The Local Planning Authority is not satisfied that the benefits of the proposed scheme are adequate justification for the provision of new, largely free market, house building in this unsustainable rural location. The development would thereby be contrary to the aims and objectives of policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007.

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2.3 Conservation Area Consent was approved by the Development Control Committee in February 2008 for the demolition of the existing chicken farm buildings and associated agricultural bungalow (ref. 3/08/1667/LC).

3.0 Consultation Responses

3.1 HCC Planning Obligations have commented that this application falls below the threshold of 10 dwellings in respect of seeking financial contributions towards County Council services, and accordingly they are not seeking any financial contributions.

3.2 Environmental Health have commented that any permission which the Local Planning Authority may give shall include conditions relating to construction hours of working, dust, asbestos and contaminated land.

3.3 Hertfordshire Biological Records Centre has commented that they do not have any known biological records for the site. However, the site contains mature trees and hedgerows, plus agricultural buildings and that from a site visit they can confirm that common species of birds breed at the site. They therefore recommend that if planning permission is granted that conditions are attached to the grant of permission restricting the time that certain works in association with the development take place to protect breeding birds.

3.4 Natural England has commented that they have no objection to the proposed development in respect of legally protected species.

3.5 The Environment Agency object to the proposed development as insufficient information has been submitted to demonstrate that the risk of pollution to controlled waters is acceptable.

3.6 County Highways do not wish to restrict the grant of permission subject to conditions relating to the implementation of the approved access arrangements, surfacing of all on site vehicular areas, wheel washing facilities and parking and storage of materials associated with the construction of the development. They comment that in a highway context consideration of this application is the same as the previous scheme which was refused planning permission. The principle of development is acceptable in a highway context and the comments made at the time of the previous scheme remain valid. They do however comment that the addition of a further dwelling to the proposed development in comparison to the previous application pushes the scheme over the threshold where a S106 contribution is sought for sustainable transport initiatives. A contribution of £8500 is therefore requested.

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- 3.7 The Historic Environment Unit, HCC have commented that the site is adjacent to an Area of Archaeological Significance, and it is believed that the proposed development is such that it should be regarded as likely to have an impact on significant archaeological remains. It is therefore recommended that an appropriately worded condition is attached to any grant of permission to require the implementation of a programme of archaeological work in accordance with a written scheme of investigation.
- 3.8 The Council's Landscape Officer recommends consent and comments that the findings in the submitted Arboricultural Implication Study are not disputed, and the replacement trees and/or hedgerows shall be in keeping with the landscape character of this part of East Herts.

4.0 Parish Council Representations

- 4.1 Anstey Parish Council have commented that they positively supports this application as it will replace a disused chicken farm and replace it with four well designed houses and a terrace of three affordable homes. The original planning application which the Parish Council supported, contained two affordable homes and the addition of a further house is seen as a positive move for the village. The Parish Council comment that their views expressed in relation to the previous application, fully reflects the Council's views of this application.

5.0 Other Representations

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 Two letters of representation have been received from local residents which make the following comments:
- The proposed four large detached dwellings are not considered to be suitable as there should be more affordable houses for people with young families or people born in the village rather than large detached houses;
 - The access road to the proposed development, due to its narrow width, wouldn't be able to cope with the increased traffic from the development.

6.0 Policy

6.1 The relevant policies of the East Herts Local Plan Second Review April 2007 are:

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG3	Affordable Housing
HSG4	Affordable Housing – Criteria
HSG5	Rural Exceptions Affordable Housing
GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC6	Occupancy Conditions
GBC10	Change of use of an Agricultural Building
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
BH6	New Developments in Conservation Areas
BH12	Development Affecting the Setting of a Listed Building

7.0 Considerations

7.1 The determining issue in relation to this application is whether the provision of an additional affordable home on the site would now warrant a different decision being made in comparison to the previous application for the re-development of the site which was refused in February. It should be noted that many of the detailed considerations in relation to this application are similar to the considerations made in respect of the previous application. Officers have therefore attached as an appendix to this report the previous committee report which contains these considerations, and they are not reiterated in relation to this application.

7.2 Turning therefore to whether the principle of development on the site is acceptable, planning permission was previously refused for the erection of four open market houses and two affordable homes on the site. The only difference between that application and the one that is now being considered is that three affordable homes are now proposed meaning that the development would provide 40% affordable housing.

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- 7.3 The application site is situated in an area designated as Rural Area Beyond the Green Belt wherein inappropriate development will not be permitted in accordance with Policy GBC2. Policy GBC3 is clear that permission will only be given in the Rural Area Beyond the Green Belt for agriculture and forestry and other essential small-scale facilities that are appropriate to a rural area. The application site is situated at the edge of the village of Anstey, which is designated as a Category 3 Village. Policy OSV3 states that development will not be permitted within Category 3 Villages except for (a) that appropriate in the Green Belt and Rural Area Beyond the Green Belt, and (b) rural exceptions affordable housing required to meet the identified needs of the Village or Parish and in accordance with Policy HSG5.
- 7.4 It is clear that this proposal is at odds with the above policies. It does not comprise entirely rural affordable housing to meet the needs of the village. The proposal is therefore inappropriate development in the Rural Area and not in accordance with the Development Plan. Planning permission should therefore not be granted unless there are compelling reasons to warrant a departure from policy.
- 7.5 The applicant has outlined in the submitted application that the exceptional circumstances in this case are that the development:-
- is more sustainable than re-use of existing buildings;
 - would contribute to, rather than detract from the character and appearance of the conservation area;
 - will support local facilities;
 - will assist the provision of affordable rural housing; and
 - is in the best interests of the local community and local environment;
- 7.6 As already stated, housing development in Category 3 Villages will not be permitted except for rural exceptions affordable housing required to meet the identified needs of the village or parish and in accordance with Policy HSG5. Therefore the clear policy intention in Category 3 Villages is that only affordable housing is permissible. However the proposal does not reflect this and only 3 of the proposed 7 dwellings are affordable. Whilst the development would therefore meet the 40% affordable housing provision appropriate to housing development in the towns and categories 1 & 2 villages, as outlined in Policy HSG3 of the Local Plan, Officers are not satisfied that this alone should warrant permission being granted for a development which is contrary to rural area policy. Having regard therefore to the previous refusal of permission to redevelop the site, Officer's are not satisfied that the addition of a further affordable home is sufficient to overcome the previous reason for refusal, and the proposed development

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would result in inappropriate development in an unsustainable rural location.

- 7.7 Members will note that the Environment Agency has objected to this application. Whilst they initially objected to the previous application, this objection was removed following the submission of a Flood Risk Assessment. This same Assessment has been submitted as part of this application however the Environment Agency have now objected to the application. Having regard to their previous comments and that the provision of one additional dwelling on the site in comparison to the previous application is unlikely to in itself to warrant the objection that has now been made by the Environment Agency in relation to the risk of pollution to controlled waters, Officers do not consider that it would be reasonable to refuse permission on these grounds.

8.0 Conclusion

- 8.1 Having regard to the above considerations and the amendment made to the application following the refusal in February, Officers are not satisfied that the addition of a further affordable home on the site to meet the 40% affordable housing provision is sufficient justification to warrant a different decision now being made. Whilst it is acknowledged that the scheme has potential benefits in terms of supporting local facilities and would also provide three units of affordable accommodation in the village, these benefits would equally apply to a proposal for 100% affordable housing which would be in accordance with Rural Area policy. Furthermore, the supporting exceptional circumstances as outlined by the applicant were not considered, in relation to the determination of the previous application, to constitute special circumstances sufficient to warrant a departure from Local Plan policy, and Officers do not consider that there has been any change in circumstances to warrant a different decision being made in relation to this application. It is therefore recommended that planning permission be refused for the reason outlined at the head of this report.