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2. **3/09/1657/FP – Demolition of the existing chicken farm buildings and associated agricultural bungalow and construction of five detached houses together with a terrace of three affordable dwellings at Two Acres, Barkway Road, Anstey, SG9 0BN for Mr M Hart**
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Date of Receipt: 27.10.2009

Type: Full – (Major)

Parish: ANSTEY

Ward: BRAUGHING

RECOMMENDATION

That, subject to the applicants entering into a legal agreement pursuant to S.106 of the Town and Country Planning Act 1990 to cover the following matters:

- The provision of three affordable dwellings.

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

1. Three year time limit (1T12)
2. Programme of archaeological work (2E02)
3. Sample of materials (2E12)
4. Materials arisings from demolition (2E32)
5. Contaminated land survey and remediation (2E33)
6. Wheel washing facilities (3V25)
7. Tree retention and protection (4P05)
8. Hedge retention and protection (4P06)
9. Landscape design proposals (4P12)
Delete a), b), c) d) f) g) h)
10. Landscape works implementation (4P13)
11. No clearance of the site, or demolition of the existing buildings shall be carried out between 01 March and 31 August (inclusive) unless otherwise

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agreed in writing by the Local Planning Authority and following a search of the site and/or buildings by a suitably qualified ecologist.

Reason: To protect the habitats of nesting birds which are protected from disturbance under The Wildlife and Countryside Act 1981 (as amended) in accordance with policy ENV16 of the East Herts Local Plan Second review April 2007.

12. Prior to the commencement of development details of a surface and foul water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: To ensure that adequate provision is in place in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Highway Works (05FC)
2. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
3. If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.
4. You are advised to contact the Environment Agency on 08708 506506 to apply for a consent to discharge from the package treatment plant.

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 2007), and in particular SD1, SD2, HSG3, HSG4, HSG5, GBC2, GBC3, GBC6, GBC10, TR1, TR2, TR20, ENV1, ENV2, BH6, BH12. The balance of the considerations having regard to those policies and the grant of permission under reference 3/09/0419/FP is that permission should be granted.

_____ (165709FP.EH)

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.

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- 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.
- 1.3 Planning permission is sought for the demolition of all existing structures on the site and the erection of 5no. 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.

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 A resolution to grant planning permission subject to the signing of a S106 agreement was given by Members at the Development Control Committee on 10 June 2009 (ref. 3/09/0419/FP), for the demolition of the chicken sheds and the erection of 4 open market dwellings and 3 affordable dwellings. This application is a material consideration in the determination of this current application.
- 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 Natural England have commented that the proposals have the potential to affect species protected under European or UK legislation.
- 3.2 County Highways have commented that in a highway context the consideration of this application remains the same as previous schemes. They comment that despite the lack of pedestrian footway leading to the site, in a highway context the application for residential development on the site of a former chicken farm is difficult to resist, as it is considered that the new dwellings would undoubtedly generate less traffic in terms of number, and importantly size of vehicle. The site benefits from existing accesses which will require reconstruction, and although visibility from the accesses is far from ideal, the speed and volume of passing traffic is not high. Sufficient on-site parking and vehicle turning space is proposed. Having regard to these considerations County Highways confirm that subject to conditions relating to construction of vehicle access arrangements; hard surfacing materials; provision of wheel washing facilities and the provision of space within the site for the parking, storage and delivery of materials, the highway authority have no grounds to justify and sustain an objection to the grant of planning permission. They comment further that in accordance with the HCC Planning Obligations toolkit, a financial contribution of £9000 should be required.
- 3.3 Environmental Health do not wish to restrict the grant of permission subject to conditions relating to construction hours of working, dust, asbestos and soil decontamination.
- 3.4 Herts Biological Records Centre have commented that they do not have any known biological records for the site, however the site does contain mature trees and hedgerows. A visit to the site confirmed that common species of birds breed at the site, and they therefore request that a condition be placed on any grant of permission restricting the clearance of the site to winter months.
- 3.5 The Historic Environment Unit, HCC comment that the position of the proposed development is such that it should be regarded as likely to have an impact on significant archaeological remains, and it is therefore requested that a condition is placed on any grant of permission requiring the implementation of a programme of archaeological works.
- 3.6 Planning Obligations, HCC have commented that if a S106 agreement is required in respect of this application, they would wish for the provision of

fire hydrants to be included as an obligation.

3.7 The Council's Engineers Team have commented that the existing development of agricultural structures has a greater impermeable area than the proposed housing; the topography of the site may increase the risk of flooding from overland flows e.g. generated from embankments and the developer should demonstrate that the effluent run off and surface water runoff has an agreed discharge point and adequate dilution with existing surface water flows.

3.8 The Council's Conservation Officer has commented that the proposed layout could be accommodated within the surrounding area without adversely affecting the immediate and wider character of the Conservation Area. In addition it is considered that the newly introduced landscaping and spacing between the dwellings goes towards reducing the immediate and wider impact of the development on Anstey. They also comment that the mass, scale and design of the individual houses within the proposal, although less agricultural in appearance than what was approved previously, does reflect the existing built form, with the use of two storey, dominant chimneys, projecting gables and clay tiles on steep pitch roofs. In conclusion they comment that the introduction of an additional unit to the already approved application is considered to have little impact on the character and appearance of the Anstey Conservation Area, and therefore recommend that permission is granted.

4.0 Parish Council Representations

4.1 Anstey Parish Council have no objection to the application. They comment that when the original planning application for the development of this site was made, they enthusiastically supported it as it contained an element of affordable housing, and a past survey of the Parish has shown a small need for such affordable housing and the number applied for would meet that need. They go on to say however that they consider that the application of affordable homes in this application should be initially for the benefit of parish residents.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 3 letters of representation have been received which can be summarised as follows:-

- Request that the development proposed some 'middle class' houses i.e. semi-detached £250,000 - £300,000, and that the buyers have children to help keep the small village school open;
- Consider that the affordable homes should be offered to local residents before approaching a wider audience;
- No materials should be burned on site;
- Object to the inclusion of street lighting or invasive security lighting which would be harmful to this rural location;
- Object to the inclusion of concrete kerbing at the site entrance and the scrubbing out of boundary hedges.

6.0 Policy

6.1 The relevant Local Plan policies in this application include the following:-

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 As outlined earlier in this report, the resolution to grant permission for the erection of 7 dwellings on the site is a material consideration in the determination of this application, and the principle of the residential re-development of this site has therefore been established by this resolution. The determining issue therefore in relation to this application is whether increasing the number of dwellings proposed from 7 to 8 is acceptable, and whether the amended layout would result in any harm to the character and appearance of the Conservation Area and the surrounding rural area.

- 7.2 The application site lies within the Rural Area Beyond the Green Belt, wherein new residential development is not an accepted development in accordance with policy GBC3 of the Local Plan. However, in considering the previous application, Members concluded that the need to preserve and enhance the character of the Conservation Area and to provide affordable housing to support local services outweighed the resultant harm from the development on the Rural Area, and a resolution to grant permission subject to a S106 agreement was made.
- 7.3 The previous application sought permission for 3 affordable dwellings sited on the site of an existing bungalow which fronts onto Barkway Road. This current application proposes no changes to the size, siting or design of these dwellings. In respect of the private dwellings, the previous application sought permission for 4 detached dwellings, ranging in size from 3 to 5 bed dwellings, with a total floorspace of approximately 1300 square metres. This application however seeks permission for 5 detached dwellings which again range in size from 3 to 5 bedroom, however the total floorspace proposed (above ground) is approximately 1470 square metres. Furthermore, this does not include the floorspace of the detached garages which are also proposed for each dwelling.
- 7.4 Whilst this current application would therefore increase the amount of development on the site, it is important to consider the scale and design of the proposed dwellings and the proposed layout. The design of the previous dwellings were such that they appeared to mimic a traditional historic farmstead, with barn-like buildings. However, this design approach resulted in dwellings which were between 18 and 28 metres in width, and their siting within the site and relationship with each other resulted in limited spacing proposed between the dwellings (between 3-4 metres).
- 7.5 This current application however proposes a layout of development which appears to be less intensive than the previous application. The dwellings are proposed to be sited further towards the boundaries of the site, and combined with the amended design approach and the reduction in widths of the dwellings (between 9 and 22 metres wide), results in a significant increase in spacing between each dwelling (15 to 21 metres between dwellings). Therefore, whilst this application proposes a slight increase in the amount of floorspace that would be provided on the site, it is considered that the amendments to the design of the dwellings and the site layout, are such that the proposed development would not be harmful to the character and appearance of the surrounding area.
- 7.6 Whilst the proposed layout of the development may appear more suburban

than that proposed by the previous application, it should be noted that the western part of the application site sits at a lower level than the surrounding land. Furthermore, the dwellings are proposed to be in the main lower in height than those proposed by the previous application. Having regard therefore to the height of the proposed dwellings, the land levels within the site and the existence of mature landscaping around the boundaries of the site, in particular along the northern boundary, it is considered that the proposed development would not appear as intrusive within this rural setting, or be detrimental to the character and appearance of the surroundings.

7.7 The comments of the Council's Conservation Officer are important in the determination of this application, and it should be noted that they have stated that the mass, scale and design of the proposed dwellings do reflect the existing built form and the proposed development would have little impact on the character and appearance of the Conservation Area. It is therefore considered that the proposal would accord with policies ENV1 and BH6 of the Local Plan.

7.8 Although it is considered that the proposed development will not have an unacceptable impact on the visual character and appearance of the surrounding area, it should be considered whether the proposed additional dwellings would result in any adverse highway implications. County Highways have commented that in a highway context the application for residential development on the site of a former chicken farm is difficult to resist, as it is considered that the new dwellings would undoubtedly generate less traffic in terms of number, and importantly size of vehicle. Having regard therefore to their comments and that the activity associated with one additional dwelling on the site would not compromise highway safety, it is considered that it would be unreasonable to refuse permission for the development on highways grounds.

7.9 The comments of Anstey Parish Council are noted in respect of their desire that the affordable homes should be initially for the benefit of parish residents. However, Officers do not consider that such a condition would be lawful in planning terms and was accordingly not imposed on the previous scheme.

8.0 Conclusion

8.1 Having regard to the above considerations and the resolution to grant permission for 7 dwellings on the site by the Development Control Committee in June 2009 (ref. 3/09/0419/FP), it is considered that special circumstances exist in this case to warrant a departure from Rural Area

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policy, and it is therefore recommended that permission is granted subject to the signing of a S106 agreement in relation to the provision of affordable housing, and the conditions outlined at the head of this report.