

5h 3/10/0308/FP – Residential development of 2 no. 4 bed and 2 no. 2 bed dwellings at New Mead Nursery, Walkern Road, Benington, SG2 7LS for Page and Watts Ltd.

Date of Receipt: 22.02.2010

Type: Full - Minor

Parish: BENINGTON

Ward: WALKERN

RECOMMENDATION

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

1. Within Rural Area – EHLP (R031)
2. The proposed development, by reason of its scale, siting and overall domestication of the site would harm the rural character and appearance of the surrounding area. If permitted the proposal would therefore be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
3. The proposed development would result in the loss of an employment site, and the Local Planning Authority is not satisfied that the retention of the site for employment use has been fully explored without success. If permitted the proposal would be contrary to policy EDE2 of the East Herts Local Plan Second Review April 2007.
4. In the absence of a legal agreement to secure the provision of affordable housing, the proposal conflicts with policy HSG4 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract. The site lies to the north of Benington village and comprises a derelict nursery greenhouse and outbuildings that are overgrown with vegetation. The existing buildings are set back some 60m from Walkern Road with an existing vehicular access adjacent to No. 68 Walkern Road.
- 1.2 To the northwest of the site is a row of 6 no. detached dwellings – all bungalows except No. 68 which is two storey – and the remainder of the site is surrounded by open agricultural land. Dragon's Green, a Grade II listed building, is located approximately 80m to the south of the site.

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- 1.3 This application proposes a residential redevelopment of the site to provide a row of 2 no. 4 bed detached dwellings and 2 no. semi-detached 2 bed key worker dwellings with associated parking, access and front and rear gardens.
- 1.4 The application is being referred to Committee at the request of Councillor Scrivener.

2.0 Site History

- 2.1 The site is a previous nursery which has been vacant for many years and now lies derelict and overgrown. The history of the site is set out below, and indicates a number of applications for residential developments since the 1960s. A single dwelling was approved, which is No. 68 Walkern Road.

3/93/0320/FP	Change of use from nursery to nursery with retail sale of plants and associated products.	Approved with Conditions 05-May-1993
3/89/0503/OP	Three dwellings	Refused 24-May-1989 Appeal Dismissed 09-Jul-1990
3/88/1694/OP	Mixed residential development	Withdrawn by applicant 10-Jan-1989
3/88/1693/OP	Craft work shops	Refused 17-Jan-1989
3/84/1866/FP	Mobile home	Refused 18-Feb-1985 Appeal Dismissed 05-Sep-1985
3/82/0926	Use of caravan as offices and refreshment room	Refused 13-Oct-1982
3/75/0193	Detached house and garage incorporating nursery office	Refused 20-Jun-1975
3/73/3863	3 houses with garages, access and fencing	Refused 03-Sep-1973 Appeal Dismissed 23-Aug-1974
3/73/2656	House, garage, fencing and access (details)	Approved 04-Jul-1973
3/72/5071	Site for residential development	Refused 14-Dec-1972

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3/72/1269	Site for residential development	Refused 01-May-1972
3/69/1238	House	Approved 11-Aug-1969
3/67/0275	Site for residential development	Refused 04-Mar-1967
3/65/1773	Site for residential development	Refused 02-Oct-1965
3/65/0006	Site for house	Approved with Conditions 06-Feb-1965

3.0 Consultation Responses

- 3.1 County Highways do not wish to restrict the grant of permission subject to conditions on widening the existing access, surfacing, storage of materials, and provisions for wheel cleaning. They comment that fundamentally the principle of the development is acceptable. The existing access whilst needing reconstruction and minor widening, is appropriate in terms of visibility provision. Adequate provision is made for on-site vehicle parking and turning space and given the existing frontage footway, no off-site works are required.
- 3.2 Environmental Health have no objection subject to conditions on construction hours of working, air quality, and contaminated land.
- 3.3 The Council's Landscape Officer recommends consent. He comments that "given the size and shape of the site I see no reason why the proposed dwellings cannot be set back from the road by at least as much as the neighbouring property, if not slightly further. The juxtaposition of the new dwellings appears uncomfortable - being set slightly in front of the existing property as they are. Other than this the proposed development is fairly non contentious in landscape terms. Hard surfaces, edgings and boundary treatment need to be specified. I also have some reservations as to the proposed beech hedging to the driveway and frontage to the proposed dwellings, but this could be covered by a landscape condition."
- 3.4 County Archaeology make no comment; the proposal is unlikely to have an impact upon significant heritage assets.
- 3.5 Thames Water have no objection with regards to sewage infrastructure. With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer.

3.6 The Council's Housing Development Officer supports the provision of affordable housing. She comments that this would go some way to meeting the need identified in the 2003 local housing needs survey, and as far as she is aware there has been no new provision of affordable housing in this parish since the survey was carried out.

4.0 Parish Council Representations

4.1 Benington Parish Council comment that they have received concerns from parishioners who were unaware that the nursery site had been offered for sale as a 'for sale' board has not been displayed on site, nor have any advertisements been seen in local newspapers. The Parish Council has no objection to the scheme submitted, except that it would prefer to see small plain clay tiles or slates as a roof covering to match what is around it. Also the Parish Council are very keen that the existing road frontage hedge is retained as shown on the site plan.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 7 no. letters of representation have been received from Nos. 50, 68 and 70 Walkern Road, Avis Bungalow, and Great Pastures which can be summarised as follows:-

- The land is outside the built-up area of the village and is therefore rural;
- Associated traffic, noise and loss of beauty will be significant;
- Not surprising that estate agents have been unable to find an agricultural purchaser given the dereliction of the site – the present owners have not invested in the land;
- Attempts to sell the land appear to have been weak – the site was not advertised for sale;
- The layout of the site is in-keeping and provides key worker housing;
- Concern that they may seek to build more houses on the site and adjacent sites;
- Rural employment is in decline and Benington has already seen the closure of a number of businesses;
- The site is on the edge of the Conservation Area and should be preserved;
- The proposed houses will be harsh on the eye and obscure the public view over the land – 1 or 2 houses would be more appropriate;

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- If consent is granted the developers should not burn waste materials on site as they have at 44/44a Walkern Road;
- The development should be restricted to 4 dwellings, 1 access, the parking area should cater for at least 10 cars, and mains utilities should be accommodated;
- Verbal offers to purchase this land for equestrian use have been declined;
- Concern over traffic movements on a shared access to a busy road;
- House A will have a higher roof than No. 68 and make side passages dark;
- The front hedge should be retained;
- Concern over removal of asbestos and other contaminants.

6.0 Policy

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

SD2	Settlement Hierarchy
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
TR2	Access to New Developments
TR7	Car Parking – Standards
EDE2	Loss of Employment Sites
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
BH1	Archaeology and New Development

6.2 In addition to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development), Planning Policy Statement 3 (Housing), Planning Policy Statement 5 and Planning Policy Statement 7 (Sustainable Development in Rural Areas) are considerations within this application.

7.0 Considerations

Principle of Development

7.1 The site lies to the north of Benington village on Walkern Road, just outside the Conservation Area boundary, with a row of 6 no. detached dwellings located further north. The New Mead Nursery site, along with an adjacent

site to the south form a break in the residential development of the village and it is therefore my Officer view that the site falls outside the built-up area of the village, and therefore within the Rural Area Beyond the Green Belt.

- 7.2 This view was supported by an Inspector at an earlier appeal for 3 no. detached dwellings (3/89/0503/OP). Although Benington was not designated as a Category 2 Village at that time, the Inspector stated in his decision that “despite the presence of a small number of nearby houses the locality is rural in character and in my judgement the site lies outside the main part of the village which lies further south.” An even earlier Inspector’s decision for residential development in 1974 (3/73/3863) also referred to the open rural character of the site, and the wide gap, containing the nursery site, which separates it from existing residential development on the east side.
- 7.3 Officers therefore consider the principle of the development to be inappropriate in relation to policy GBC3, and material considerations would therefore have to be demonstrated to outweigh this harm.

Employment Site

- 7.4 The site was previously used as a nursery but has been vacant for many years, and was even referred to as derelict in the 1990 Inspector’s decision. The site has since deteriorated further and is now substantially overgrown. However, as the site was last used for employment purposes, policy EDE2 of the Local Plan would still apply. This seeks to protect sites that were previously used for employment, and to require thorough exploration of alternative uses before allowing a loss of employment.
- 7.5 It is noted that the site has not provided any employment opportunities for many years; however the policy is in place to protect rural economies, and no evidence has been submitted to prove that a horticultural business could not be successfully re-established. The exploration of alternative uses is also an issue when considering any other overriding material considerations of developing the site for residential purposes.
- 7.6 In the previous appeal decision, the Inspector was quite clear in his view that not all avenues had been explored to return the site to agricultural use, and that possible leisure uses of the site appropriate for this rural location had not been considered. In the case of the current application, the only evidence that has been submitted is a letter from Keith Ian Estate Agents confirming that they actively marketed the site between 8th May 2009 and 15th December 2009 (a period of only 7 months) with no interest received, and a copy of an advertisement published in one issue of Farmers’ Weekly.

- 7.7 Although Keith Ian Estate Agents state that they have been actively marketing the site, Officers are not aware of any marketing board being erected on site, and comments raised by neighbours support this concern. Overall, this evidence is nowhere near sufficient to prove that the site cannot be reverted back to horticultural or agricultural use, and that there are no other alternative appropriate commercial uses of the land. As per the previous Inspector's decision, I would therefore conclude that not all avenues of alternative use have been adequately explored, and the application therefore conflicts with policy EDE2.

Character and Appearance

- 7.8 The existing site has been derelict for many years and is now overgrown with vegetation. The previous nursery building is set back some 60m from the road and therefore has limited visual impact. In comparison, the new dwellings would be positioned further forward on the plot to follow the existing building line, and would therefore result in a more significant visual impact. Therefore, whilst Officers note that demolition of the existing greenhouse would tidy up the site, it is not considered that the new development would improve the overall appearance of the site.
- 7.9 Further, residential development of this site would extend the built development of the village and result in the loss of what is considered to be an important natural break on the edge of the village. The site currently retains a relatively open rural character, mainly due to the absence of development on the west side of the road, and the distance to developments to the south and east.
- 7.10 Given the size of the site, much of the land would also become domestic garden space, and this would contribute to the impact on the rural character of the area. Plots 1 and 2 would have long rear gardens to a maximum length of 75m, following the pattern of development of their neighbours to the north, with Plot 2 having a particularly large garden to the rear of Plots 3 and 4. The domestication of such a large area of land would erode the rural character of the area, particularly when viewed from the footpath to the rear of the site.
- 7.11 Taking into account the general domestication of the site resulting from a residential development, the previous Inspector had concluded that 3 no. dwellings would seriously harm the rural character of the area. Although over 10 years has passed since the previous appeal decision, Officers do not consider the situation to have changed, and therefore give substantial weight to this harm. The development will erode the rural character of the area when viewed from both Walkern Road, and the public footpath to the rear, particularly in winter months.

7.12 Finally, the Benington Village Conservation Area boundary runs to the south of the site, and the development would therefore have the potential to impact on the setting of this Conservation Area. Whilst the development would result in the loss of a green wedge of land, and increase the built development of the area, Officers do not consider that the setting of the Conservation Area would be harmed. Further, the previous Inspector did not make any references to harm to the Conservation Area. Officers therefore consider the proposal to comply with PPS5.

Scale, Design and Density

7.13 The application proposes 2 no. detached dwellings and a pair of 2 bed semi-detached two storey dwellings positioned in a row parallel to Walkern Road. This reflects the layout and grain of development in the surrounding area and also respects the existing building line of Walkern Road. The Council's Landscape Officer has commented that the development should be set back slightly further from the road; however it is my Officer view that the new houses follow the existing building line and are generally acceptable in their layout.

7.14 The density has been calculated as approximately 8 dwellings per hectare which is particularly low. However, it is noted that the Government has recently removed the national indicative minimum density of 30dph from PPS3. Densities must therefore be assessed in line with the character of the surrounding area. In this case the density of the surrounding area is equally low, and as such the proposal is considered to be acceptable in this regard. A higher density development would result in further encroachment to the rear of the site, resulting in greater impact on the rural character of the area.

7.15 In terms of scale, the dwellings will all be two storeys in height with hipped and pitched roofs. The majority of dwellings to the north are single storey, apart from No. 68 immediately adjacent which is of similar two storey height. Whilst the scale and height of these new buildings would be similar to No. 68, I consider that the additional scale of development would exacerbate the visual harm to the rural character of the area, and impact on the setting of the village.

7.16 The dwellings have been designed with dark stained timber clad elevations on a red brick plinth, with timber framed windows, and a terracotta pantile roof with exposed rafter feet. Plot 1 would have a front hipped roof projection with substantial glazing whilst Plot 2 is designed with a flush central glazed two storey section to the front elevation. In principle Officers consider this design to be in-keeping with the rural character of the area,

subject to good quality build materials which could be controlled by planning condition.

Neighbour Impact

- 7.17 The only potential impact on residential amenity would relate to No. 68 Walkern Road, located immediately to the north. This is a two storey building with no first floor side windows. No first floor windows are proposed in the flank elevation of Plot A; however a secondary bedroom window is proposed in the side elevation of the rear projection. This window would face towards No. 68 and provide views of the private outdoor amenity space of No. 68. The same situation also arises with a similar window in Plot B facing the rear of Plot A. These windows could be required to be obscure glazed by way of a planning condition however.
- 7.18 Overall, the relationship between these buildings, and the scale of development is considered to be acceptable and will not result in any undue loss of light or overbearing impact. Comments raised by No. 68 in relation to loss of light to the side of their property are noted; however no harmful loss of light would arise to internal habitable rooms. It is noted that a garage is proposed to abut the boundary with No. 68; however this is only a small single garage with a pitched roof to a height of some 4.3m. The proposal is therefore considered to be acceptable in this regard.

Trees and Landscaping

- 7.19 There are a number of mature trees along the southeast and northern boundaries of the site; however the new buildings would be positioned at an appropriate distance so as not to impact on the root protection area of these trees. The Council's Landscape Officer has raised no objection.
- 7.20 In terms of layout, a landscaped buffer would be provided to the road, with the existing hedge retained and a number of new trees planted. The dwellings would be provided with front gardens as well as large rear gardens, and overall the development is considered to comply with landscape policy ENV2. However, Officers do not consider that the visual impact of the development in this rural area could be satisfactorily mitigated by frontage planting.

Affordable Housing

- 7.21 In accordance with policy HSG3, 2 of the 4 no. units are proposed as key worker housing. The Council's Housing Manager has indicated her support of the application and comments that she is not aware of any other affordable housing having been provided in the parish since a need was identified in the 2003 Housing Needs Survey. The pair of semi-detached

units are appropriate in scale and location as affordable units, with access to local bus services. The proposal therefore complies with policy HSG3, and the provision of 2 affordable units is a clear benefit of this particular proposal. However, in the absence of a legal agreement to secure the provision of affordable housing, the proposal conflicts with policy HSG4 and is recommended for refusal on those grounds.

Parking and Access

- 7.22 It is proposed to use an existing field access from Walkern Road to serve the new dwellings, adjacent to the existing access to No. 68. A service road would be provided across the front of the dwellings, set back approximately 7m from the road behind frontage planting. This access is considered to be acceptable in highway terms and no objection has been raised by County Highways.
- 7.23 In terms of parking, each of the 4 bed dwellings will have a single garage and frontage parking space, whilst the 2 bed dwellings will have 1 no. frontage parking space each. This is considered to be acceptable in line with the Council's maximum parking standards and policy TR7. There would also be sufficient space for additional parking within the development without overflowing into the public highway.
- 7.24 Neighbour comments regarding the additional traffic movements are noted; however I do not consider that the development will have a significant impact on traffic flows in the village or surrounding rural area.

Archaeology

- 7.25 The site lies in an Area of Archaeological Significance; however the County Council's Archaeologist does not consider that the proposal will have an impact upon any significant heritage assets. The proposal therefore complies with policy BH1 and PPS5.

8.0 Conclusion

- 8.1 The site has been assessed as being located outside the built-up area of this Category 2 village, and therefore within the Rural Area Beyond the Green Belt wherein residential developments are inappropriate in principle. The proposal therefore conflicts with policy GBC3 of the Local Plan. Although the development is considered to be acceptable in terms of density, design and layout, the scale of the development and overall domestication of the site would be harmful to the rural character of the area.

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- 8.2 Further, the development would result in the loss of an established employment site, and Officers are not satisfied that all alternative options have been adequately explored, and this follows an earlier Inspector's decision which is given substantial weight. The proposal therefore conflicts with policy EDE2.
- 8.3 It is clearly a benefit that a pair of key worker semi-detached units would be provided by this development, although no agreement has been provided to secure this. However, Officers do not consider that this benefit outweighs the harm caused to the rural area and character of the village. No other benefits are apparent in this scheme, and no further material considerations have been put forward by the applicant. Officers therefore do not consider there to be any overriding material considerations to allow this development.
- 8.4 The application is therefore recommended for refusal for the reasons set out above.