

**5d 3/12/0661/FP – Residential development of 2 no. 4 bedroom detached dwellings together with 3 no. 2 bedroom terraced dwellings (2 dwellings as shared ownership via housing association) at New Mead Nursery, Walkern Road, Benington, SG2 7LS for Page and Watts Ltd**

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**Date of Receipt:** 17.04.2012

**Type:** Full – Minor

**Parish:** BENINGTON

**Ward:** WALKERN

**RECOMMENDATION:**

That, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of the provision of 2 no. 2 bedroom shared ownership affordable dwellings on the site, planning permission be **GRANTED** subject to the following conditions:

1. 3 Year time limit (1T12)
2. Boundary walls and fences (2E07)
3. Approved Plans (2E10) – insert ‘BEN/09/01A; 02H; 03B; 04C; 05E; and 06A’
4. Sample of materials (2E12)
5. Obscured glazing (2E18) insert ‘1<sup>st</sup> floor flank window to bedroom 1 in Plots 1 and 2’
6. Withdrawal of P.D (Part 1 Class A) (2E20)
7. Withdrawal of P.D (Part 1 Class E) (2E22)
8. Provision and retention of parking spaces (3V23)
9. Wheel washing (3V25)
10. Tree/hedge retention and protection (4P05)
11. Landscape design proposal (4P12)
12. Landscape works implementation (4P13)
13. Prior to the commencement of the development hereby approved, further

### 3/12/0661/FP

investigations shall be carried out in accordance with the recommendations made in section 8 of the Geotechnical Investigation Report reference 11/9301/GO dated June 2011. Copies of the report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate protection of human health and the environment is maintained and in accordance with Policy ENV20 and the National Planning Policy Framework.

14. Prior to the first occupation of the development hereby approved, the existing and proposed access onto Walkern Road shall be widened to a minimum width of 4.1metres at the boundary with the public highway, in accordance with a plan to first be submitted to and approved in writing by the Local Planning Authority.

Reason: To secure satisfactory access appropriate to the development and in the interests of public safety and convenience.

#### Directives:

1. Other legislation (010L)
2. Street name and numbering (19SN)

#### 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 the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular policies SD2, HSG3, HSG4, GBC3, TR7, ENV1, ENV2, ENV11, BH1) and the National Planning Policy Framework. The balance of the considerations having regard to those policies and the previous permission ref: 3/10/0308/FP 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. It lies to the north of Benington village and formerly comprised a derelict nursery greenhouse and outbuildings. The previous nursery buildings were set back some 60m from Walkern Road with an existing vehicular access adjacent to No. 68 Walkern Road.

## **3/12/0661/FP**

- 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.
- 1.3 This application proposes a residential redevelopment of the site to provide 2 no. 4 bed detached dwellings and 3no. 2 bedroom terraced dwellings with associated parking, access and front and rear gardens. The application proposes 2 of the 2 bed dwellings to be affordable housing.
- 1.4 The application is being referred to Committee as it is contrary to the provisions of the Local Plan.

### **2.0 Site History:**

- 2.1 The site is a former nursery which was vacant for many years and was until recently derelict and overgrown. The history of the site is set out below, and indicates a number of applications for residential developments since the 1960s.
- 2.2 Of particular note is application 3/10/0308/FP, wherein Officers recommended refusal of permission for 4 houses on the site. However, in reaching a decision on the application, Members gave weight to the provision of 2 units of affordable housing on the site, and granted permission subject to the signing of a legal agreement to secure the affordable housing. One of the dwellings (plot 1), has been constructed in accordance with approved plans and in accordance with the details of the S106 agreement which allows one of the market dwellings to be occupied prior to the affordable housing being constructed and completed.
- 2.3 Other relevant history can be summarised as follows and Members will note that this includes two applications for amended proposals since the grant of the above planning permission:-

3/11/1742/FP	Residential development of 3no. detached dwellings – and an off site contribution of £100,000 for affordable housing	Refused 07-12-11
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### 3/12/0661/FP

3/11/0208/FP	Residential development of 3no. four bedroom market dwellings – and an off site contribution of £100,000 for affordable housing	Refused 01-April-2011
3/10/0308/FP	Residential development of 2 no. 4 bed and 2 no. 2 bed dwellings	Approved with conditions and subject to S106 for the two 2 bedroom dwellings to be affordable 23-Dec-2010
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
3/72/1269	Site for residential development	Refused 01-May-1972

### 3/12/0661/FP

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 and provisions for wheel cleaning. They comment that fundamentally the principle of the development is acceptable. The existing and proposed access whilst needing reconstruction and minor widening is appropriate in terms of visibility provision.

3.2 County Archaeology makes no comment; the proposal is unlikely to have an impact upon significant heritage assets.

3.3 The Council's Housing Development Officer has commented:-

*'I note that the scheme consists of 5 houses of which 2 would be affordable houses. This is in line with the Housing Policy requirement. The applicant is suggesting that the 2 affordable houses would be for shared ownership. We would expect the affordable units to be split between rent and shared ownership, so would expect the development to deliver one of each tenure - The rental unit is important as it meets the needs of residents on the Housing Register'.*

3.4 Environmental Health advises that any consent shall include conditions for construction hours of working and contaminated land.

3.5 No comments have been received from the Council's Landscape Officer, or Thames Water.

### **4.0 Parish Council Representations:**

4.1 Benington Parish Council comment as follows:

*'The Parish Council has no objection to the development of 2no. 4 bedroom detached dwellings on this site, but has serious concerns regarding the 3 no. 2 bedroom terraced dwellings. Although the Council*

### **3/12/0661/FP**

*is fully supportive of social housing, we feel that 3no. 2 bed terraced dwellings would cause overcrowding, and will not be in keeping with the surrounding area.*

*Parking issues are already a problem in this area with the nearby school, and as the site is situated on a bend in the road, another exit and entry point to these three properties could cause difficulties and be dangerous.*

*The Council suggests that 2no. 2 bedroom terraced dwellings, off one driveway, would be more appropriate for this development, if social housing is the priority. However, the Parish Council would recommend that East Herts Council accepts the current monetary offer from the developers and allow 2 no. 4 bedroom houses to be built, as we feel this arrangement would be more aesthetically pleasing’.*

#### **5.0 Other Representations:**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification. 6 letters of representation have been received raising the following comments:

- Development would have greater impact on openness
- Solid line of housing, blocks views to rear of site
- Terrace design and plots size is out of character
- Spacing appears congested
- New entrance results in loss of hedgerow
- Adverse impact to trees
- Could set a precedent
- Safety concerns with 2 accesses

#### **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

### 3/12/0661/FP

ENV2 Landscaping  
ENV11 Protection of Existing Hedgerows and Trees  
BH1 Archaeology and New Development

6.2 In addition to the above the National Planning Policy Framework (NPPF) is of relevance.

#### **7.0 Considerations:**

7.1 The main issues in this case relate to the principle of development in the Rural Area Beyond the Green Belt; loss of a former employment site; impact on the character and appearance of the surrounding area; scale, layout and design; neighbour amenity; trees and landscaping; affordable housing and highway an parking issues.

#### Principle of Development

7.2 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 considered by Officers to fall outside the built-up area of the village, and therefore within the Rural Area Beyond the Green Belt.

7.3 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.

7.4 In determining application 3/10/0308/FP, Officers recommended refusal as they considered the site to be outside of the built up area of the Category 2 village. However, Members resolved to grant consent for 4 dwellings, giving significant weight to the fact that 2 of the units on the site were to be secured for affordable housing. The principle of residential development in these circumstances has therefore been established, subject to that affordable housing provision and the 2010 decision is therefore considered to be a material consideration of significant weight in the determination of this latest application.

### 3/12/0661/FP

- 7.5 The comments from the Parish Council are noted - they are supportive of the applicant's recent proposal (Ipa 3/11/1742/FP) for 3 no. detached 4 bedroom dwellings on the site, together with a financial contribution towards the provision of off-site affordable housing elsewhere. However, Members will note that this application was refused at the December 2011 Committee, on the grounds inter alia, that it was the benefits of on-site affordable housing provision within application 3/10/0308/FP that had led Members to grant planning permission for the residential development of the site in the first instance. They considered that the benefits of providing two affordable dwellings on the site outweighed the harm caused by permitting the development in the Rural Area. By contrast, the financial contribution proposed within application 3/11/1742/FP may not result in that provision within the village and therefore the Committee agreed with officers that the balance of weight had tipped against approval in that case.

#### Employment Site

- 7.6 Although the site was last used for employment purposes wherein policy EDE2 of the Local Plan would be relevant, the employment site has been lost with part of the site being redeveloped with the first house of the 4 previously approved. On balance; no objection is therefore raised in regards to the loss of this employment site or non compliance with policy EDE2.

#### Character and Appearance

- 7.7 The previous site was derelict for many years. The previous nursery building was set back some 60m from the road and therefore had 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 than the former use.
- 7.8 However, in granting the earlier permission for 4 dwellings on the site (3/10/0308/FP), the Council has already accepted that the residential development would extend the built form of the village and result in some loss of openness and impact on its setting and character. This harm was however, previously felt to be outweighed by the provision of 2 affordable housing units on site.
- 7.9 This current proposal also provides for 2 affordable housing units on site. Although the amount of development on site is proposed to increase from 4 to 5 units and would therefore have a larger footprint than the previous scheme, Officers consider (for the reasons set out below) that any additional harm resulting from this increase would be limited. As such, it is not felt that it would greatly alter the weight to be given to the



harm caused by the development and therefore that using the same 'balancing exercise' as previously, the provision of on-site affordable housing would still outweigh any harm resulting from the revised proposals.

Layout and Design

- 7.10 The application proposes 2 no. detached two storey dwellings and a row of 3no. two storey terraces positioned in a row parallel to Walkern Road. The siting reflects the linear development and building line in Walkern Road although the terraced dwellings would represent a change in character from the detached dwellings to the north. However, this was also the case with the previous approved scheme (albeit it as a pair of semi-detached houses) and Officers consider that the width, scale and massing of the proposed terrace would respect that of the two adjacent detached dwellings and it would have much the same visual impact as the previous scheme.
- 7.11 The plot sizes of the terraced dwellings are considerably smaller than the 2 detached dwellings proposed and those of other properties within the area; however this was also the case with the previous approved scheme and was not the subject of objection. Furthermore, the size of the plots is not unacceptable in planning terms and the difference would not be apparent from outside of the site. Overall, Officers consider that no unacceptable harm from the layout would occur.
- 7.12 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. Officers do not consider that the dwellings would be harmful to their immediate context and, of course, weight is given to the extant permission for 4 dwellings on the site which were also 2 storeys in height.
- 7.13 On balance, Officers consider that any additional harm, over and above the existing planning permission, relates to the increased width of the terraced dwellings on the southern side of the plot. The only difference is in relation to the proximity of the block to the southern boundary and a very slight decrease in spacing between Plots 1 and 2. Overall, it is not considered that this is significant enough to affect the balancing exercise previously undertaken nor to warrant the refusal of planning permission.
- 7.14 Plots 1 and 2 have been designed with dark stained clad elevations on a red brick plinth, with timber framed windows, and a terracotta pantile roof with exposed rafter feet and would have a front hipped roof projection

### 3/12/0661/FP

with substantial glazing. Plots 3 - 5 are also proposed to be constructed with a red brick plinth, timber framed windows, and a terracotta pantile roof with exposed rafter feet. Plot 3 is designed with a front and rear gable end projection, so that the row of 3 dwellings reflects the design of the proposed detached dwellings. 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

- 7.15 As with the previous permission Plot 1 has a secondary bedroom window in the side elevation of the rear projection. This window would face towards No. 68 and the same situation would also arise with a similar window in Plot 2 facing the rear of Plot 1. However, as with the previous permission, these windows could be required to be obscure glazed by way of a planning condition.
- 7.16 Overall, the relationship between the buildings, and the scale of development is considered to be acceptable and would not result in any undue loss of light or overbearing impact to neighbours. The layout would provide for adequate amenity for future occupiers of the dwellings in accordance with Policy ENV1.

#### Trees and Landscaping

- 7.17 There are a number of mature trees along the southeast and northern boundaries of the site. Although this layout would result in the row of terrace dwellings being closer to trees along the boundary than the extant layout, they would remain at an appropriate distance so as not to impact on the root protection area of these trees. A tree retention and protection condition is considered necessary in the interest of visual amenity.
- 7.18 In terms of layout, a landscaped buffer would be provided to the road, with the existing hedge retained (except as required for the new vehicular access opening) and a number of new trees planted. The layout would allow for front landscaped gardens and parking areas as well as adequate rear gardens, and overall the development is considered to comply with landscape policy ENV2.

#### Affordable Housing

- 7.19 As Officers consider the site to be outside of the Category 2 village the scheme should provide for 100% affordable housing as an affordable housing exceptions site in accordance with policy HSG5. This scheme provides 40% (2 out of 5 units) on site affordable housing and is

therefore contrary to policy. However, the approval of the previous scheme with 50% (2 out of 4 units) affordable housing is a material consideration of considerable weight in this case.

- 7.20 In making the decision to approve the previous scheme it is clear to Officers that the justification was that affordable housing was being provided on site and this outweighed any harm caused by the development then proposed. Following on from that approval it has become apparent to the applicant that the approved scheme is not financially viable. A full 'Affordable Housing Viability Assessment' Report has been submitted to demonstrate this and Officers concur with the conclusions. Furthermore, the viability of 3 dwellings, with 1 on site as affordable has been investigated and discounted as unviable.
- 7.21 A further Viability Assessment demonstrates that a proposal for 5 dwellings with 2 as affordable (as shared ownership) would result in a viable scheme. Officers have been in negotiations with the developer to seek one as shared ownership and one as socially rented, however further evidence has been produced to demonstrate that this too would not be viable. A formal letter from North Hertfordshire Homes has been submitted which shows that they are interested in providing the shared ownership homes on site.
- 7.22 Whilst Officers agree that the approved scheme and a number of different options are not now viable with on site affordable housing, it is important to consider this in respect of the wider policy considerations and the principle of permitting the residential development of this originally. The scheme now proposed, although differing slightly from the earlier one, still provides 2 affordable houses on site and the benefits that Members identified to justify development contrary to policy are still therefore apparent. Officers therefore consider that, on balance, this would form a material consideration which weighs in favour of the proposal.

#### Parking and Access

- 7.23 It is proposed to use an existing field access from Walkern Road adjacent to the existing access to No. 68 to serve dwellings 1 and 2, with a service road provided across the front of these 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. This access remains as within the extant permission.
- 7.24 A further access is proposed in this application to serve plots 3, 4 and 5 towards the south of the site. This access is considered to be acceptable

### **3/12/0661/FP**

in highway terms and no objection has been raised by County Highways.

- 7.25 In terms of parking, Plots 1 and 2 will each have a single garage and frontage parking space. This is considered to be acceptable in line with the Council's maximum parking standards and policy TR7. Plots 3, 4 and 5 have 4 allocated spaces which is also considered to be acceptable in line with the Council's maximum parking standards and policy TR7.
- 7.26 Previous comments from neighbours regarding the additional traffic movements are noted; however it is not considered that the development will have a significant impact on traffic flows in the village or surrounding rural area, nor have County Highways raised concerns in this respect.

#### **Archaeology**

- 7.27 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 the NPPF.

### **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 and it has been previously acknowledged that some additional harm to the character of the village would also result.
- 8.2 However, the Council has previously accepted that the provision of two affordable houses within the development would outweigh this identified harm and Officers consider that this remains the case with this latest application which would have a similar visual impact on the surroundings.
- 8.3 The development is considered to be acceptable in terms of its layout, design, access and other relevant planning considerations and it is therefore recommended for approval subject to the conditions set out at head of the report and a S106 to secure 2 of the 2 bedroom units for affordable housing.